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THE
L I F E,
O F

Arthur Lord Balmerino,

From the Time of his BIRTH to that of his EXECUTION on Tower-Hill,
To which are added, some MEMOIRS of the LIVES, of the Two
other Lords, the

Earls of KILMARNOCK and CROMERTIE.

Who were Condemned with him; the Proceedings against them all
Three; their Behaviour on and after, their Trials; and the *Last Dying*
Words of the Two who were beheaded on Tower-Hill, August the
18th 1746.



L O N D O N:

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T H E
Life of Arthur Lord Balmerino. &c.

Purposing to give an Authentic Account of the three *Scotch* Lords who have been convicted by their Peers, of High Treason, in levying War against his Majesty, and endeavouring to overturn the present happy Establishment in Church and State; it will be necessary, previous thereto, to give some Account of the Manner of their being taken, and the means by which they were brought to Justice.

The Lord Balmerino was delivered up a Prisoner to his Royal Highness the Duke, April the 21st by Mr. Grant, who with 800 of his Followers brought in their Arms and submitted.

As to the Lord Cromartie, it was observed, that his Lordship was very active for the Rebels, and so powerfull in those Parts north of Inverness, as to oblige the Lord Rea to leave his Country, being threatened with Fire and Sword, unless his Men would submit and deliver up their Arms. Hereupon the Lord Rea retired by Sea to Leith and good Part of his Men at Tongue, where they had the good Fortune to surprize the Crew of the Hazard Sloop which had been before taken by the Rebels. Being afterwards reinforced by some of the Monroos and the Militia of Sutherland, they engaged the Earl at Golspry and took him and his Son Lord M'Leod, Prisoners; as appears by the following Narrative attested by Ensign Mackay and by him delivered to the Earl of Sutherland April 15. 1746.

Ensign Mackay of the Earl of Sutherland's militia having kept a private Intelligence with some Persons in his Lordships House at Dunrobin happen'd that on the 15th of April the said Mackay having got the proper Signal from the Top of the Tower of that House ran with 26 Men to the Water of gulspry and as the Body of the Rebels consisting of near 400 had marched some Distance before the lord Cromartie and the rest of the Officers Mackay with his Party got between them and the main Body and firing briskly on them, first drove back the Officers to Dunrobin where they secured the gate and by ringing a Bell on the Tower, sounding a Trumpet and displaying a white Flag they gave the Alarm to their Men to return immediately to their Relief.

In the mean Time, Mackay dispatch'd five Men to call Lord Southerland's Men from the different Corners which they were stationed at, to come to his Assistance, and at the same Time placed the remainder in three Divisions so as to divert the Enemy, till the rest should join him, and firing briskly on them in their Return to Dunrobin, obliged some to take to a Boat for their Safety; and the rest perceiving the Militia coming down from the Hills in such Numbers that they despaired of Success, directly made the best of their Way to the little Ferry; but Lord Southerland's Men pursued them so close, that by Water, and firing, they kill'd above 50 of them, and took 165 Prisoners, after which they returned to Dunrobin, where Mackay directly asked Leave to speak to the Earl of Cromartie; which being granted, he told him plainly, that if he did not surrender the House, the Numbers that were without would blow it up, and run all Hazards of their Master's Displeasure; upon which his Lordship asked half an Hour to consider of it.

In the mean Time Mackay went down Stairs, and told the Guard that was in the House, that it was needless to keep their Arms any longer, as their Officers had surrendered; on which they delivered them to Mackay, who put them in the Porter's Lodge and secured the Key, then got Possession of the Key of the Gate, called in Lord Southerland's Men, went up Stairs, and told Lord Cromartie and the rest of the Officers, that there was no more Time for Delays, so disarmed and took them Prisoners, and brought them to the Camp at Inverness two Days after the Battle of Culloden.

The Earl of Kilmarnock was taken at the Battle of Culloden, fighting at the Head of his Regiment; where he had certainly been slain had he not been seasonably rescued by the Earl of Ancram, from the Fury of our Soldiers, who were so exasperated, that they gave the Rebels scarce any Quarter.

THE honourable Name of Elphinston, though not very numerous in Scotland, and cannot be Numbered as a potent Clan, yet is very antient, and has abounded with Men of Figure and Note in their Country, as much as any other Name whatsoever. They are said to have come originally from GERMAN-Y, and that the first who appeared of the NAME married, in the Days of ROBERT the first of Scotland, MARGARET,



Daughter to Sir Christopher Seaton of Seaton, by his Wife the Lady Christian Sister to King Robert,

This German who is presumed from his Alliance to so near a Relation of the Royal Family, to be a Person of some Note in his own Country, was a valiant and gallant Man, courted all Opportunities of distinguishing his Merit which in those Days when all Disputes public or private were decided by the Sword, were often given him; which he improved to his own Advantage, insomuch that he grew in great Esteem at Court, and was much carested by King Robert, who was fond of his settling in the Country and could not bear to think of his Return to Germany: He therefore to take from him all Pretext for returning, and to give him a natural interest in Scotland, bestowed on him several Lands in Mid-Lorhian, the Revenue of which was sufficient to support his Dignity; especially in those Times when Luxury and extravagant Expences were none of the modish Accomplishments of a fine Gentleman, however highly born: These Lands Mr. Elphingston, called after his own Name, which they still bear.

From him descended Alexander Elphingston, of whom Records gives us very little Account; they do not inform us what Relation this Alexander was to the first Elphingston, or what were the Names of those who intervened; they leave a Chasm in the Linage from the Days of Robert the first, till the Thirty-third of David the second; when they tell us that this Alexander exchanged certain Lands, then in his Possession, called Kinchinbar, for certain other Lands called Arthberg, in the Shire of Sterling, then in the Possession of Alexander, Son of Sir Adam Moor.

These Lands of Arthberg he called Elphingston, and is the Chief Seat and gives the Title of Lord to the Lord Elphingston Chief of the family we are now treating of. This is all that is said of Alexander; whether he died without Children, or what other Circumstances happened, we are entirely at a Loss, and from him we meet with another Gap in the Line of Succession; since the next mentioned is one Sir William Elphingston, of whose Relation to his Predecessors we are entirely ignorant; but whatever Connection he had with them, we find him possessed of their Estates, and of that Martial Disposition, which distinguished those of the Name: He is said to be remarkably tall and large built, and was reputed the strongest Man of the Age.

In all Deeds of Chivalry, there were none could excel him; his Courage was equal to his Strength, and his Modesty and Affability excelled if possible, both: He was apter to overlook an Affront, than Men less capable

capable of resenting it; and chose rather to shew his Contempt of an unmanerly Fellow, then chastise him, unless there was a Probability of Honour being gained by the Victory: He made several Additions to the paternal Estate of the Family, both in the Shire of Lothian, and in that of Sterling, and married when pretty much advanced in Years, a Lady of the ancient and truly noble House of Douglass; by her he had a Son.

Alexander, who succeeded him in his Estate, and very soon gave Proofs that he was worthy of such a Father; for though he had not that Gigantick Strength which distinguished his Father, yet he was possessed of all his Courage and Vigour sufficient for the common Occurrences of Life: He applied himself chiefly to the Exercise of Arms, and in a short Time acquired a large share of Military Glory; for though but a Youth, he obtained considerable Command in the Scotch Army, then employed against the English; had many Engagements with them, where he had the chief Command, and always came off Successful, loaded with Honours and Spoils, which was indeed the Result of these Skirmishes: But at the famous Battle of Pipardian, he exerted himself in so extraordinary a Manner, that all Historians agree, that the Signal Victory obtained by the Scotch that Day over the English, was entirely owing to his Valour and Conduct.

But, though his Country in that Glorious Action reaped Glory, and very much distressed their Enemies, yet this great Man did not live to reap the Fruits of his Victory; for his martial Ardour, hurrying him too far in the Pursuit, he was killed by a random Shot of some of the Run-aways or rather (as some say) by the mistake of some of his own Men, too eager in the Chase to distinguish Persons, which in a great Measure compensated to the English the loss of the Battle; and imbittered the Victory to the Scotch, who were so disheartened by the Death of this Great Man, that they did not pursue the Advantage they had gained; but remained unactive, and allowed their Enemies to recover from their Panick and recruit afresh their scattered Army.

What added to the Misfortune of this Gentleman's Death, was that he left no Male Issue; he left only one Daughter, named Agnes, who married Gilbert, Son and Heir of Adam Johnston of that Ilk, who was possessed, in right of her, of all the Lands belonging to her Father, in the Shire of Mid-Lothian; but those Lands named Elphinston, in the Shire of Sterling devolved on his Death, in consequence of a solemn Arbitration in 1471, upon Sir Henry Elphinston, Brother to Sir Alexander, who, as the

next collateral Male Branch, had continued the Line of this noble Family ever since, in a direct Lineage without any Interruption.

Sir Henry, now possessed of the greatest Part of the patrimonial Estate and acknowledged the undoubted, Chief, was no ways inferior to any of his Predecessors, in those eminent Qualities which raised them to their present Grandeur; he was a Man of great Prudence and OEconomy in the Management of his Estate, to which he made several considerable Addition: He was no less remarkable for his eminent Qualities as a Statesman, which he displayed in the discharge of several Employments in the State: He was no ways ambitious of Titles, or the Pomp of a Court; whereat he never appeared, but when the necessary Affairs of his Employments required; However, he introduced to the Court, of James the fourth, his son and Heir Sir. Alexander whose Genius seemed better fitted for the Air of a Court, than that of his own.

Sir Henry died much regretted, and Sir Alexander his Son took possession of his Estate and Honours and had made such Interest at Court in his Father's Lifetime, that he succeeded without Opposition to all his Employments; was declared one of the Privy Council, and in a little time created a Baron, and called to Parliament: He had merited very much of the King in the Difference betwixt him and his Father; though his greatest Enemies do not charge him, as being accessory to any of those violent Measures, which sent the one James out of the World, and raised the other to the Throne.

He married Margaret, Barlow Maid of Honour to Margaret, Queen of James the fourth who gave him in Dowry with her, the Barony of Kildrumny in the Shire of Marr, but he did not live long to enjoy either his new Honours or the Acquisitions by his Wife; For he followed his Royal Master to the fatal Field of Flowden, where he died fighting by his Sovereign, and was buried with the Flower of the Scotch Nobility, who that Day lost their Lives.

This noble Lord left Issue, by Elizabeth his Wife, Alexander. the second Lord Elphinston, who was but an Infant when his Father died, was somewhat deformed in his Person, and had not the most promising Disposition; at least the Records of the Family, which are not generally very minute in recording of Vices they have said nothing shocking of him; yet have not been able to relate any thing good of him.

He married Elizabeth Daughter of Lord Erskine, by whom he had five Sons; the third of them we are told, was Cup-Bearer to King James the sixth

sixth, the fourth was Master of his Household, and the eldest, named *John*, succeeded his Father.

John the Third Lord *Elphinston*, married *Elizabeth*, Daughter to Sir *John* Drummond, of Innerpaffy, by *Janet* his Wife natural Daughter of King *James* the fourth; his Merit was conspicuous, and he soon made a Figure both in the Camp and Cabinet: His Inclinations to the military was so great, that as by the Union of the Crowns, the Jars between Scotland and England being now at an End, which used to employ the Youth of both Nations, he could not remain unactive at Home, but went over into the Service of the Emperor, where he signalized himself in such a manner, as reflected great Honour both on himself and Country; but his Fire of Youth abating, as his Years advanced he returned to his own Country, where he made as considerable a Figure, as a Statesman, as he had done Abroad as a General: Interest was great at Court, and he made use of it, to ennoble and aggrandize his Family; he got his second Son *James*, created a Baron, by the Name and Title of Lord *Balmerino*; his Eldest Son succeeded him in the Title of *Elphinston*, was made a Privy Councillor by King *James* the sixth, and Lord High Treasurer of Scotland: But we proceeded no farther in this Branch of the *Elphinston's* Line; but shall now trace this Lord *Balmerino* down to the present unfortunate Nobleman who have suffered,

James *Elphinston*, second Son of the Lord *Elphinston*, was by his Father bred to the Law; Wherein he made great Proficiency, and in a short Time his Abilities were so remarkable in the Profession, that King *James* made him one of the Senators of the College of Justice.

His Abilities were not confined to the bare Study of the Law, but King *James* found him an able Statesman, and in a short Time made him Secretary of State, and President of the Court of Sessions; And he discharging those Offices to the Satisfaction of the Subject as well as of his Majesty, was created a Baron by the Name and Title of Lord *Balmerino*.

This Lord *Balmerino*, as appears was tried for High Treason at St. Andrews March 10 1609

The Nature of his Crime seems to have been this: That he the Lord *Balmerino* being a Professed Protestant, had often pressed the King to write a Letter of Compliment to the Pope; Which his Majesty refusing *Balmerino* wrote the Letter, and thrusting it among several Dispatches which he brought to the King just as his Majesty was going a Hunting; his

his Majesty in a Hurry inadvertently sign'd it. The Letter was sent away, and afterwards mention'd by Cardinal *Bellarmino* to his Majesty's Disadvantage.

The following Account of his Lordship's Trial is taken from a Manuscript in the *Bodleian Library*. The Account is very short, and only relates, that he the Lord *Balmerino* was summon'd before the Lords, when the Lord Advocate acquainted him, that there was a Warrant from his Majesty to try him, and desired to know whom he appointed to speak for him. To which his Lordship answered That he had great Necessity to speak the Cause being such as concerned his Life and Estate; but he had greater Necessity to hold his Peace by Reason of his Offence, which was such as it admitted no Excuse; and (said he) my Grief is so great, as it will not suffer me to extenuate my Crime; and therefore I will neither make any Friend interested in that, whereunto myself fell without the Advice of any? nor will I desire a Lawyer to make that seem less, which I would have all the world know to be such as it is.

Herein are two Points in which I would have all Men satisfied concerning his Majesty: First, for his Majesty's Innocency in the Writing of the Letter; for I protest I could never draw him to hear with Patience my Motion: But he did utterly and absolutely refuse to take that Course against Conscience, which would neither satisfy me, who in a Politick natural Course had conceived it might be behoveful for his Majesty; and so applied myself to the crooked Device, which hath worthily brought me to this Estate wherein I now stand.

The second Thing concerning his Majesty, is this; That whereas some in Malice to his Majesty, or my Friends in Commiseration, of my Estate, may think and report it too rigorous and cruel a Course, which is held against me in a Matter of this Moment, the suggesting of a Letter of Recommendation, to proceed against my Life and Estate; I would have such know, that his Majesty's Clemency in many Ways testified unto the World in Cases that have seem'd more nearly to concern him; and therefore Men should not judge of his Majesty's Disposition to Mercy by this Action; but rather cast their Eyes upon my Unhappiness, who have offended in such a Point as his Majesty can extend no Favour to me without the Dam-
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age of his own Honour ; which being dearer to him than his Life it must needs be more tendered than 20,000 such Lives as mine. And therefore I desire not to be spared at so dear a Rate as the Impeachment of his Majesty's Honour.

There are likewise two Things concerning myself, which I desire all Men to understand. First, That I had no Aim at the Alteration of Religion, or to bring in a Toleration, or what you will term it, by the Writing of that Letter : But merely a politick Course, as I have said, which, as a natural Man, I conceited might further his Majesty's Right : And this I protest to be true, as I shall answer God in the Day of Judgment, when the Secrets of all Hearts shall be disclosed.

Next, I would have no Man think that it was Gain, or any private Advantage that drew me to that : For I protest I never received or expected the least Reward from any Prince in the World, save from the King my Master . And this as I shall answer the great God in Heaven.

The Jury then going together, after a Time returned, and found guilty of all the Parts of the Indictment

Then the Lords conferring upon the Bench ; my Lord Justice signified, That they were not to proceed further till they knew more of the Kings Pleasure : And so advising the Lord-President to fit himself for God ; and giving the Jury Thanks for their Pains and Care they had of his Majesty's Honour ; the Court rose.

[' He was by Order from Court detained a Prisoner for some Time ; and afterwards made a sort of Prisoner at large ; till at last, in Consideration of his submissive Behaviour, and the Sufferings he had undergone ; the King was pleased to pardon him, and to restore his Blood and Estate.*]

This Lord *Balmerino* married to his first Wife *Sarah*, Daughter to Sir *John Monteath* of *Cars* ; by whom he had *John* his Heir. His se-

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* His Son was tried for a Libel in the following Reign.

cond Wife was *Margery*, Daughter of *Hugh Maxwell* of *Tyning*, by whom he had one Son, *James*, created Lord *Cowper*, and a Daughter married to Lord *Frazer*.

John the second Lord *Balmerino*, married *Anne*, Daughter to *James Kerr* of *Kersland*, and Sister to the famous *Kerr*, Earl of *Somerset*, Favourite to King *James* the Sixth, the Man for whose Sake he denounced a Curse upon his Posterity, which seems to have follow'd them and the Nation ever since.

He left Issue one Son, named *John*, who married *Anne*, Daughter to *John Campbel*, Esq; Earl of *Loudon*; and by her had Issue,

John, the fourth Lord *Balmerino*, who in the Reign of Queen *Anne* was made General of the Mint, and Sheriff of the County of *Edinburgh*; and in 1713 was elected one of the Sixteen peers in the Parliament of *Great Britain*. His first Wife was *Christian*, Daughter to *Hugh Montgomery*, Earl of *Eglinton*; by whom he had two Sons and one Daughter.

James, the younger, succeeded him While he had no Prospect of the Estate and Honours of *Balmerino*, he was bred to the Law; where he made a considerable Figure at the Bar as an advocate. His remarkable Abilities, accompanied with a great Sedateness, soon recommended him to a Seat on the Bench, where he discharged that high and important Trust with great Honour and strict Integrity; always avoiding mixing Party Spirit with the Bench; and never could be brought to prostitute the Dignity of his Office to serve ministerial Jobs; but the Country might always depend upon him as a fast Friend, when any Thing relative to their Interest came before the Court. He applied closely to the Business of a Judge, and gave such Satisfaction to the Practitioners of that Court, that there have been forty Causes in his Hand Roll, when there were not one Fourth of that Number before some other Judges.

This Worthy Lord died in the Year 1744, but left no Issue. He was succeeded by *Arthur* Lord *Balmerino*, (lately convicted of High Treason) the Son of *John*, the fourth Lord *Balmerino*, by his second Wife Daughter of *Arthur Ross*, Archbishop of *St. Andrews*.

Arthur, the Melancholy Subject of this Relation. Was born, at *Leith*, in the Year 1688, and trained up when young, at the High School in the same Town. He made no great Proficiency in other

Parts of Learning, but wrote so excellent a Hand, that he once, if not twice, won the Gold Pen, that was the Prize of that Scholar who wrote the fairest and best. While a Boy he was remarkable and beloved for his Affability and good Nature, for he would converse with the same Freedom with any Poor Man in the Place, as with a Gentleman of the highest Rank; and would oftentimes pinch his own Pocket, in its slender Allowance, to do Acts of Charity to others. This Benevolence of Temper also shewed itself in that Persons oftentimes who had any Demands upon his Father, would apply to Mr. *Arthur*, and he seldom failed of bringing them their Money.

He was of a robust Constitution, active, and Particularly dextrous in Swimming: He used to go almost every Day at High Water to the great River (or rather a Branch of the Sea) that runs by the Gardens of *Sheriff Crane*, of *Leith*, a Mile from *Edinburgh*, and would frequently swim from thence through the Harbour quite into the Sea, as far as the Land-Mark, which is above a Mile from the Pier Head; and being so well beloved, most of the People in the Town would shew a Great Concern for him, lest he should be drowned.

His Brother, the late Lord *Balmerino*, who was a Man of steadfast Revolution Principles, obtained a Commission for him, under his late Majesty King *George I.* and he had the Command of a Company, when the last Rebellion broke out in the Year 1715, and behaved bravely at the Battle of *Sheriff Muir*; but, before the Battle, a great Field Officer, having some Suspicion of his Loyalty, examined him thereon; he told his Grace, he would be true to his Trust, and that he should find himself deceived by his future Behaviour; which was very true indeed, for no Officer behaved more gallantly, but as soon as the Battle was over he went to the Duke of *Argyll*, and told him, as he came off alive it saved him from Perdition, for if he had at that Time been killed, he should have died in a bad Cause, and thereupon immediately delivered up his Commission to his Grace, begged to be excused from any farther Service, and took Leave in an handsome Manner, going over to the Side of the Rebels; but when they were dispersed, he went into *Denmark*, where he continued till the General Act of Indemnity passed, from which he was not excepted. About the Year 1722, he went to *Leith*, when there was

a Regiment of Soldiers in that Town, and although he was there for above two Months, so well was he belov'd, that no Man offered to lay hold on him, or so much as inform against him. He then returned to *Denmark*, and went to France, where it is supposed he laid some Foundation for his late Design, by the Acquaintance he made there.

The Lord *Bamerino*, his Brother, having, married a Lady by whom he could expect no Children on Account of her Age, that the Estate might not go into another Family, petitioned his present Majesty to give Leave for this *Arthur* to come home; and his Majesty was so gracious as to pardon all his past Offences, which is certainly a great Aggravation of his late Crime.

Upon his Return, about nine Years since, he married an agreeable young Gentlewoman, Mrs. *Margaret Chambers*, Daughter to *John Chambers*, Esq; of *Cogger*, about three Mile, from *Leith*, at whose House he lodged after his Return to *Scotland*; but he afterwards went to the House of one Mrs. *Campbell* of *Montonhall*, near *Musselborough*, where he continued till he attended the young Pretender in his late Expedition. Upon hearing of which his Brother, the Lord *Balmerino* then yet living, was so exasperated, that he made over all his Estate, by Deed of Assignment to ——— *Elphinston*, Esq; that no Part of it might come to this Gentleman, by whose Behaviour it was not likely to continue long in the Family.

The late Lord *Balmerino* who was a Gentleman of great Worth and Honour, died but about a Year and Half ago without Issue, so that the Title came to the unfortunate and ill-judging Gentleman, who lately suffered for his Rashness and Folly.

We do not find much said of him, during the Time of the late unnatural Rebellion till he was taken Prisoner by his Majesty's Troops under the Command of his Royal Highness the Duke, after the Battle of *Culloden*, fought on the 16th of April, 1746.

Lord *Balmerino* had but a small Estate, and was Ground Landlord
and

and Lord of the Manor of Colcon in a long Street in the Suburbs of Edinburgh, leading to Leith and had also some other small Things in the Shire of Fife. His Lady came to London soon after him, and has frequently attended him ever since his Confinement in the Tower, and had Lodgings in East Smithfield. She was at Dinner with him when he was informed by the Governor, that the Warrant was come down for his Execution the Monday following. His Lady being very much Surpriz'd, he desired her not to be concern'd at it; if the King had given me Mercy, said he I should have been glad of it; but since it is otherwise, I am very easy for it is what I have expected, and therefore it does not at all surprize me. His Lady seem'd very disconsolate and rose immediately from Table; on which he started from his Chair, and said Pray my Lady, sit down for it shall not spoil my Dinner; upon which her Ladyship sat down again, but could eat nothing.

His Lordship, during his Confinement in the Tower, behav'd very religiously, and had the Chaplain of the Tower to attend him, being a Member of the Episcopal Church. He kept a plentiful Table, and never appeared dismayed at his approaching Fate; and some few Days before his Execution being ask'd in what Manner he would go to the Scaffold? he answered, "He would go in the Regimentals which he wore when he was first taken, and that he would have a woollen Shirt next his Skin, which should serve him instead of a Shroud to be buried in." Being then asked, why he would not have a new Suit of Black; he replied, "it would be thought very imprudent in a Man to repair an old House when the Lease of it was so near expiring; for the Lease of his Life would expire next Monday."

The Lord Balmerino, had a Captain's Commission under the Command of the Duke of Argyle in the Year 1715, and his Grace having a Suspicion of his Loyalty, he told his Grace that whilst he had the Honour to bear King George's Commission, he would act with Fidelity; but when the Pretender landed, in Scotland, he sent his Commission to the Duke, saying that he had given his Honour to serve the Pretender whenever he landed in Scotland.



The LIFE of GEORGE M'KENZIE,
Earl of CROMARTIE, Viscount Tarbat,
Lord MLEOD and CASTLEHAVEN, Heredi-
tary Sheriff of the County of Cromartie and
Baronet of Nova Scotia.



THE Family of George, Earl of Cromartie, is a Branch of the Family of Seaforth; so that in tracing his Descent, we must go back as far as the Original of that Family.

The

The Name of M'Kenzie is one of the most antient, and amongst the most numerous of the Clans of Scotland; They account for their Name and their Original, in the following manner; in the Year 1263, the Danes and Norwegians made a Descent upon the West Coast of Scotland; this Descent being rumoured Abroad, several young Gentlemen, who wanted to push their Fortune, came over from Ireland to the Assistance of Alexander the third of Scotland; amongst the rest Collin Fitzgerald, a younger Son of the Earl of Kildare or Desmond came over, and carried along with him a few Volunteers, who came Time enough to join King Alexander at the famous Battle of the Largs, when the Scots obtained a signal Victory over the Norwegians, and Danes: Our young Adventurer Collin, shew'd himself worthy of the high Blood of the Fitzgeralds, and gave such surprizing Proofs of his Valour and military Skill, that the King took particular Notice of him, and rewarded his high Merit, by bestowing upon him the Lands and Barony of Kintail in the Shire of Ross; which appears from a Charter under the Great Seal of Scotland, dated at Kincardin, in January 1266.

The Scotch King, by this means, secured our Adventurer to himself, and by giving him an Interest in, made him look upon himself as a Native in the Country, where he is now to settle: Collin married a Daughter of the House of Argyll, and by her had a Son named Keneth; who succeeded his Father in the Barony of Kintail: This Keneth was as remarkable for Prompts and Valour as his Father, and in these unsettled Times, had many and frequent Opportunities of giving Proofs of it: He soon acquired a large Share of military Reputation, the only Quality in Esteem in these Days and having a very numerous Issue, his Children were distinguished by the Patronymick M'Keneths, or the Sons or Children of Keneth, a Thing very common in that Country; from a Patronymick they came to use it as a Surname, forgetting that of Fitzgerald entirely, and by Degrees M'Keneth came, by Corruption, to be changed to the present Orthography M'Kenzie: They remained Barons of Kintail from this Time, till 1623, when they were created Earls of Seaforth, a Space of near four Hundred Years.

Keneth, the second Baron of Kintail, was equally remarkable with his Father for Deeds of Arms; and what was extraordinary in a military Man, was very religiously disposed: He was a rigid Observer of all the Feasts and Fasts of the Church; moderate in all his Passions, which he endeavoured

voured to keep still in greater Subjection, by the most severe religious Penance. He was charitable to the Poor, but carried his Largeſſes to the Priests and Begging Orders, to a Degree of Exceſs; he ſpent his Income, which was conſiderable in thoſe Days, in Acts of Charity and Hoſpitality; when he died, he left all his Personal Eſtate to the Church, dividing it amongſt the ſeveral adjacent Monaſtries; and left a large Rent-Charge upon his Real Eſtate, to be paid the Monks of I. Colum. Kill for ſaying a Number of Maſſes for the Repoſe of his Soul, and that of his Anceſtors: This was the religious Foible of thoſe Days, which the Priests found many Opportunities to improve to their Advantage; but latter Ages have found out a Way to Heaven, leſs expenſive to themſelves, and leſs deſtructive of their Patrimonial Eſtate.

He was Father of *Keneth*, the Third Baron of *Kintail*, who happened to be at ſome Public Meeting with *Mackay*, Anceſtor of the Lord *Rea*, where a Quarrel of ſmall Significancy happened, yet was carried on with a great deal of Spleen and Rancour, by the Adherents of both Sides for ſeveral Years. They had ſeveral Skirmiſhes, as being both Chieftains, conſiderable for the Number of their Followers, which were determined ſometimes in Favour of the one, and ſometimes of the other; but it was the Miſfortune of the Baron of *Kintail* to looſe his Life by a random Shot of an Arrow in one of the Engagements, though his Men got the better of the *Mackays*.

To him ſucceeded *Murdoc*, the fourth Baron of *Kintail*, who endeavoured to revenge his Father's Death upon the *Mackays*; but both Parties finding themſelves ſenſibly weakened by this unnatural Contention, they, by the Interpoſition of ſome neutral Friends, accommodated their Differences amicably; and to cement their Union, and take away all Colour of Animosity, a Match was concluded between *Murdoc* the young Baron of *Kintail*, and a Daughter of *Mackays*, which had the deſired Effect; and the two Families remained in perfect Peace and Union, to the great Joy of both their Clans and their Neighbours, who were much embarraſſed by the Inteſtine Feuds.

Murdoc died and left Iſſue, by the forementioned Match, *Alexander*

a Youth of great Parts, and distinguished Courage; he happily saw his Family freed from all private Quarrels, so that he had an Opportunity of exercising his great Talents in a more honourable Cause, than in deciding petty Disputes with his Neighbours; that was, in Defence of his King and Country.

The Kingdom was then engaged in War with the *English*: the young Baron was emulous of Glory and military Reputation, and therefore soon repaired to the King's Standard, though it was not yet his turn to be summoned; he carried with him several of the young Men of his Clan, who were fired with the same Desire of Fame, which actuated their young Chief. He had married into a potent Family, a Daughter of *Mac Dougald of Lorn*; who on this Occasion made several of his best Men join his Son-in-Law, that he might appear at Court with the greater Lustre. Our young Warrior was very well received by King *James IV.* but unhappily for him, his Thirst of Glory only hastened his End; and all the Advantages he reaped by it, was to be buried with the Flower of the *Scotch Nation*, in that fatal Field of *Flodden*, where *James IV.* and most of his Nobility lost their Lives.

To him succeeded *Kenneth*, of whom Records make no further mention, but that he married a Daughter of *High Lord Lowrie*; a Match very natural and political; since in those Days it was as natural for Chiefs of Clans, to make Alliances with such of their Neighbours as could assist them with Men, as it is now for Kingdoms to value Alliances in Proportion to the Power and Strenght of the Kingdoms allied. He left Issue four Sons and a Daughter.

John the Eldest succeeded, who applied himself early to Business, and endeavoured to cultivate in himself, rather the Arts of Peace than that of War; he was esteemed the most judicious Man in that Part of the Country; and was generally the Arbitrator of all the Differences which happened in his Country; which he composed for the most Part to the Satisfaction of all Parties concerned. He grew exceeding popular in his Country, and upon his Arrival at the Court of King *James V.* that Monarch soon took Notice of his Ability, promoted him
to

to several Places of Trust as well as Profit, and finding his Fidelity equal to his Capacity, he admitted him of his Privy Council. He preserved his Reputation and Character untainted till his Death, and was succeeded in his Barony of *Kintail*, by his Son *Kenteh*.

Kenteh, by no means answered the Pains his Father had taken upon him, to form him for great Things; nor the Expectations the World might conceive of the Son of such a Father. He had none of those shining Abilities which had raised his Predecessor to the Rank of a Statesman; and the best that could be said of him was, that he was not remarkably vicious. However he married honourably, and according to the Dignity of his Birth. He married *Elizabeth*, Daughter of *John* Earl of *Athol*, a Branch of the House of *Stewart*, which bore that Title, and by her had Issue several Sons.

Colin the Eldest succeeded to the Barony of *Kintail*, at a very troublesome Period of Time, when the Kingdom was rent and divided by intestine Broils and Divisions, in the Beginning of the unhappy Reign of Queen *Mary*; and was numbered amongst the few Loyalists who followed the Fortune of that unhappy Princess, as long as there was any room for rational hope of doing her any Service. He commanded a Part of her Army, at that fatal Battle fought near *Hamilton*; and gave signal Proofs of his personal Valour as well as Conduct. Upon her Majesty's Flight into *England*, he was amongst the last of her Friends, who submitted to the Regency appointed during the Minority of her Son King *James VI.*

Notwithstanding he had been a zealous Strickler for the Queen-Mother, against the Partizans of the Young King; yet he knew so well, how to accommodate himself to the Exigence of the Times, that he soon wrought himself into the Confidence of the young Monarch, that he declared him one of his Privy-Council, and held him in general esteem all his Life-time; though he used more Freedom with his Majesty than any others of the Courtiers, in upbraiding him for his Indolence, in the Defence of his Mother against the Tyranny of Queen *Elizabeth*. He married *Barbara*, Daughter of *John Grant*, of *Grant*, Chief of the Name of *Grant*, and Ancestor of the present Sir *James Grant*.

Grant of Grant ; by her he had Issue one Daughter, name *Margaret*, who married *Simon Lord Lovat*, and three Sons *Keneth*, *Roderick*, and *Colin*.

Keneth the Eldest succeeded his Father, and was for the first Time created a Baron in Parliament, by the Name and Title of Lord Kintail. His Grandson was afterwards created Earl of Seaforth, which Title that noble Family enjoyed untainted, till, by the Folly of the last Earl, the Honours were forfeited for his Appearance in the late Rebellion in the Year 1715. But we have no further Occasion to pursue the Lineage of this Family ; since Roderick, the second Brother of this first Lord Kintail, was Ancestor to the Earl of Cromartie, whose Genealogy we are now tracing.

*Roderick, was a Gentleman of distinguished Merit, and recommended himself to King James VI. by whom he was Knighted. Tho' he was no Friend to the Encroachments that Monarch endeavoured to make upon the People, by claiming, more Prerogative than was consistent with the Nature of the Crown of Scotland, he constantly opposed in Parliament all Acts that tended to enlarge the Power of the Crown ; though his Opposition, and that of the few that joined him, had little or no Effect, the English Treasury which King James lavished away among his greedy Courtiers still procured him a Majority in the Senate ; English Money proving always too prevalent against the strongest Efforts of Reason or Justice, which was all the Friends of Liberty had, to oppose to the Designs of a Ministry, who had determined to put a Price upon every Thing. Roderick soon found that his Zeal for his Country was of no Signification ; could bring Her or Liberty no Relief : but only exposed his own Person to the Malice and Relentment of a worthless Set of Courtiers ; He therefore wisely withdrew from Court, and retired to the Country ; where he married ; *Margaret*, Daughter and sole Heiress to *Torquil Mac-Leod* of the *Lewes*, by which Match, besides a considerable Fortune, he added to his Arms, in Right of his Wife, Or, a Mountain in Flame Proper ; which the Earl of Cromartie wears to this Day. He died in One Thousand Six Hundred and Twentyfive leaving Issue, four Sons and one Daughter.*

John the Eldest succeeded to his Father's Virtues as well as his Estate

Estate, had a large Share of natural Parts as well as of acquired Learning ; he excelled in the Polite Arts, and was accounted one of the most accomplished Gentlemen of his Age : He was a zealous Friend to Liberty, and of unshaken Loyalty to his Sovereign *Charles I.* by whom he was created a Baronet of *Nova Scotia*. The Times he lived in were full of Trouble and Dangers, and required the utmost of his Skill to reconcile his Loyalty to the Prince, and his Duty to his Country ; yet he happily found out the Golden Mean, to preserve both, amidst all the Hurry and Confusion of the Times, without making Shipwreck of either. He attached himself to his Majesty as long as his Measures were just, and his Views were bounded by the established Laws of the Land, and the Freedom of the Constitution : But left him, and as zealously served the Parliament, when his Majesty seemed inclinable to make any Encroachments upon either. He distinguished between love of Liberty and Faction, between Freedom and Licentiousness ; between Loyalty, founded upon Principles consistent with the Nature of Government, and a slavish Subjection to the arbitrary Dictates of the Sovereign Will.

Thus pursuing no Scheme but the Honour of his Prince, and the Liberty of his Country, he lived at Peace in the midst of Confusion ; and found himself caressed by all parties, loved by honest Men, and feared by Knaves. He married *Margaret*, Daughter and one of the Coheiresses of *George Erskine of Innercal*, Brother to *Thomas*, Earl of *Kelly* ; by whom, he left two Sons. *Roderick*, the youngest, took himself to the Study of the Law, in which he became eminent, and was promoted to the dignity of one of the Senators of the College of Justice. He married *Margaret*, Daughter of *Alexander Burnet*, Archbishop of *St. Andrews* by whom he had *Alexander Lord Lovat*.

Sir John had likewise five Daughters, one of whom was married to *Hugh Lord Lovat*, and another to *Keneth*, Earl of *Seaforth*.

George his eldest Son succeeded him in his Estate and Honours ; as also in his unshaken Loyalty and Fidelity to his exiled Sovereign, King *Charles II.* He never could be persuaded to submit to the Usurper, but on all Occasions opposed his Measures, and gave him abundance

dance of Trouble in the North, where his Interest and that of his Family lay : He kept up, notwithstanding all the Caution *Cromwell* could Put in Practice, a constant and close Correspondence with the Royal Exile, during the whole Usurpation. From him he had a Commission to levy what Forces he could for his Majesty's Service and Restoration : Tho' he had no Occasion to raise Forces to bring about that Affair, yet when that Event was compleated, and his Majesty safely settled upon the Throne of his Ancestors, he was amply rewarded for his Loyalty and Zeal, a good Fortune, which was not the Fate of many Noble Families, who suffered for their Loyalty, as well as expressed their Zeal : But Sir *George* was so happy as to please ; being a Man of Wit, Humour and Learning, which hit the Taste of this merry Monarch ; and perhaps contributed as much to Sir *George's* Advancement, if not more, than all his Services, which were confessedly great : He was, immediately upon the Restoration, made one of the Senators of the College of Justice ; and because the Revenue of that Place was not sufficient to support his Dignity, or reward his Merit, he was put into an Office, which seemed a Title incompatible, viz. that of Clerk Register : This was a kind of Plurality in Law Livings ; as little justifiable as those of the Church, but few that are possessed of either, think them a Sin, or if they do, the Salary proves a Sovereign Styptic for the Wound which that makes in their Conscience. He was admitted one of the Privy-Council ; and that he might have as many of the Offices of the Law as possible, he was shortly after made Lord Justice-General of the whole Kingdom, an Office which had been hereditary in the Family of *Argyle*, till the Marquis of that Title made a Surrender of it in the preceding Reign. These Offices he enjoyed during all that Reign, and the next, when, to all his other Honours, was added that of being created a Viscount and Baron by King *James VII.*

Such a Number of Places, and such an Inundation of Honours, heaped upon one Man, made many believe that they were obtained by Concessions, not very favourable to Sir *George's* Character, as a real Lover of his Country. It is certain Sir *George*, followed the Court in all their Measures, and stuck at nothing that would promote the Schemes which they had in view, which happened not at all Times

to be the most popular : Whether Sir George's Compliance with these Measures, flowed from a Conviction (though erroneous) of their Justice and Public Utility, or from the Force and Influence of the many Places he enjoyed, I leave every Man to judge according to his Degree of Charity.

When the Opression of James VII. banished him from these Kingdoms, Sir George did not think of following his Fortune; but wisely changed with the Times, and was as zealous a Defender of the Revolution as any Man : He made himself necessary to the Revolution-Ministry, and had the Address to preserve his Post of Justice-General, amidst all their Changes.

In Queen Anne's Time he was a Stickler, but was admitted of the Privy-Council, and for some time was Secretary of State, and allowed still to continue Justice-General; but whether he was not compliable enough in his Office of Secretary of State, or that the Party had served their Turn, he was turned out after the finishing a certain memorable and important Affair.

To all the other general Qualities of this great Man, and to all the distinct Places he enjoyed, my Historian makes him a great Officer; but where he had his Command, except is meant by it, the Commission for levying Men, I have just now mentioned, I know not; but which ever way he became an Officer, my Author makes him the oldest Officer in the World when he died, which happened in the 89th Year of his Age.

Thus we have done with the Memoirs of the first Earl of Cromartie of whom we shall say no more, than that he left Issue three Sons, the two youngest of whom, James and Kenneth, were made Knights Barons, with the same Precedence of their Grandfather Sir John.

The eldest Son John succeeded, who married Ann Murray, Daughter to the Lord Elbank, by whom he left Issue the present Lord who by the Intercession of his Friends has obtained a Respite, and is now confin'd in the Tower.

George

George, the present Earl's Principles, till this unhappy Rebellion, never were suspected to lean in the least towards Jacobitism; on the contrary he was looked upon as the only Branch of the *Mac-Kenzies*, that could be any ways depended on: His Lordship is not supposed to have been early trusted with the Secrets of the Party. He was applied to (it's said) immediately upon the Pretender's Landing, but he was irresolute, at least seemed inclinable to give no positive Answer, before the Lord *Fortrose* his Chief had declared. When he did join them, which was not till after their Return from *England*, he did not bring any considerable Force along with him, at least, nothing equal to so considerable a Branch of the *Mac-Kenzies*, nor was he much in the Confidence of the young Pretender, while he staid with them; there was it seems a particular Dryness betwixt his Lordship, and *Murray* the Secretary, and the two *Irish* Favourites. His Lordship, like all other *Highland* Chieftains, could not with Patience bear that any Man should be caressed; but in Proportion to the Number of Men he brought into the Field; judging that to be the only Touch-stone of Merit in the Pretender's Circumstances: He knew these Men had brought nothing into the Field but their own Persons, which was all they had to risque, and yet were caressed and trusted more than those who brought Thousands, and risked a fair Estate and Princely Titles in the Cause. What a strange Thing must the Favour of a Prince, be, when that of a Person, who only acted the Prince for some Time, should create such Jealousies and Strife, even amongst Men, whose All, whose very Existence, depended upon Unanimity!

His Lordship had many in the Rebel Army who were equally disgusted at the Preference given *Sullivan*: and some joined in a Remonstrance to have him removed, which had no Effect but to distract their Councils; since the young Pretender knew the Value of the Man too well, to part with him, on the Pique and Caprice of a few; They were in this Distraction, when Preparations were made for an Engagement; to which they were brought sooner than they imagined. But the Earl was not in it, he and his Son, the Lord *Mac-Leod* being gone upon a Party into the Shire of *Ross*, thinking to be soon enough back before the general Engagements, but was taken Prisoners in the manner as before mentioned.

The Account of the Earl of *Kilmarnock*, will be inserted, after the following Proceedings against them all three. These

These unhappy Gentlemen were brought to *London*, and committed to the *Tower*, and on *Monday, July, 23, 1746*, the Rt. Honourable the Lord Chief Justice *Lee*, the Rt. Hon. the Lord Chief Justice *Willes*, Sir *Martin Wright*, Sir *Thomas Abney*, Sir *James Reynolds*, Mr. Baron *Clive*, came to the *Town-Hall* on *St. Margaret's-Hill Southwark*, and open'd their special Commission for the Trials of the Rebels; when Sir *William Lee*, Lord Chief Justice of the *King's Bench*, gave a most learned and excellent Charge to the Grand Inquest; who thereupon withdrew to the *Three-Tuns Tavern* on *St. Margaret's Hill*, and found Bills for High Treason against *William Earl of Kilmarnock*, *George Earl of Cromartie*, and *Arthur Lord Balmerino*.

The Names of the Gentlemen of the Grand Jury were as follow.

Sir *William Richardson* of *Bermondsey*, Knight.

Sir *Abraham Shard*, of *Kennington* Kat.

Sir *Thomas Hankey*, of *Clapham*, Kat.

Josias Wordsworth, of *Adscumb*, Esq;

Percival Lewis, of *Putney*, Esq;

John Copeland, of *Camberwel*, Esq;

Charles Hoskins, of *Croydon*, Esq;

Joseph Willoughby, of the same Esq;

John Heathfield, of the same Esq;

Samuel Nicholson, of the same, Esq;

Joseph Creswick, of *Stretham*, Esq;

William Clark, of *Southwark*, Esq;

Thomas Bewois of *Bermondsey*, Esq;

Elias Bird, of *Rotherhithe*, Esq;

Thomas Tarrant, of *Southwark*, Esq;

Richard Stevens, of the same Esq;

Henry Robinson, of *Wandsworth*, Esq;

Nathaniel Green, of *Southwark*, Esq;

Isaac Eels, of *Lambeth*, Esq;

John Smith, of the same, Esq;

Hemmer Richardson, of *Bermondsey*, Esq;

Samuel Atkinson, of *Croydon*, Esq;

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The three Indictments against the Lords were drawn up in the following Manner, That he, *William* Earl of *Kilmarnock*, &c. nor having the Fear of God in his Heart, nor regarding his Duty and Allegiance, but being moved and seduced by the Instigation of the Devil, as a false Traytor against his most serene, illustrious, and excellent Prince *George*, the Second, by the Grace of God of *Great Britain* and *Ireland*, King, Defender of the Faith, &c. his supreme, true, rightful and undoubted Sovereign Lord, the cordial Love, and due and true Obedience, Fidelity, and true Allegiance, which every Subject of our said Lord the King ought to bear, withdraw'd, and utterly to extinguish, intending and contriving, and with all his Force purposing and designing the Government of these Kingdoms to subvert, change, and alter; as also, our said Lord the King to Death, and final Destruction to put and bring, and these Kingdoms into intolerable and miserable Slavery to subdue and intrall; and to fix on the Imperial Throne of these Realms, a Person called the Prince of *Wales*, in the Time of King *James* the Second, &c.— And the Indictment further chargerh, that he the said *William* Earl of *Kilmarnock*, on the 10th Day of *November* last, in the 12th Year of his present Majesty, did appear, array'd in a hostile Manner, at the City of *Carlisle*. in the County of *Cumberland*, with 3000 Persons and upwards, in a tumultuous and rebellious Manner, with Guns, Swords Clubs, Staves, and other Weapons, offensive as well as defensive, with Drums beating, Colours flying, Pipes playing, and there being to array'd in a war like and hostile Manner, levy a cruel War, and took Possession of the said City of *Carlisle*, and the Castle of the same City, being a City and Castle of our Sovereign Lord the King that now is, and the same City did keep, sustain, and Defend. And this Indictment is said to be against the King's Peace, his Crown and Dignity, the Duty of their Allegiance, and the form of the Statute in that Case made and provided, &c.

A *Certiorari*, was then awarded out of Chancery to remove the Indictments, in order to their Trials by their Peers; and before the Return of that Writ, his Majesty was pleased to appoint *Philip* Lord *Hardwicke*, the Lord High Chancellor, to be Lord High Steward for the Trials of the said Peers: And then the Lord High Steward directed

directed a Precept under his Seal to the Commissioners to certify the Indictments were found, and on what Day.

The same being certify'd by the Commissioners in the Special Commission nam'd, That the Indictment was found in *Surrey*, the Lord High Steward mov'd the House to know what Day their Lordships would try the Rebel Peers.

There arose some Dispute in the House, whether these three Peers could be try'd by Indictment, it being the first Precedent; for the Earl of *Granville* said it was an Innovation and infringing the Privilege of the House of Commons to impeach: But this Debate soon ended, because there is an Act of Parliament now in Force, made in the 7th of *William* the Third, that says, any Peer or Peers may be try'd by Indictment as well as Information.

Then the House came to a Resolution to proceed to the Trials of the Rebel Peers on *Monday* the 28th Day of *June* 1746.

A Precept being directed by the Lord High Steward to the Lord *Cornwallis*, Constable and Lieutenant of the *Tower*, to bring the Bodies of the Prisoners to *Westminster-Hall* at Eight o'Clock on the 28th of *July* in the Morning whither they were carried in three Coaches in the following Order. In the first Coach was the Earl of *Kilmarnock*, attended by *Adam Williamson*, Esq; Deputy Governor of the *Tower*, and the Captain of the Guard. In the second Coach was the Earl of *Cromartie*, attended by Capt. *Marshall*; and in the third Coach was the Lord *Balmerino*, attended by Mr. *Fowler*, Gentleman Gaoler, who had the Ax lying before him in the Coach.

Then follows the Order of the Procession of the Lord High Steward.

At 8 in the Morning, *July* 28, the Judges in their Robes, with Garter King at Arms, the Usher of the Black Rod, and the Serjeant at Arms, waited on the Lord High Steward, at his House in *Ormond-street*, Garter in his Coat of the King's Arms, Black Rod having the

the white Staff, and the Serjeant at Arms his Mace; The three last waited in an Appartment, while the Judges went to the Lord High Steward to pay their Compliments to his Grace.

After a short Stay, his Grace came to his Coach in the following Order.

His Grace's 20 Gentlemen, two and two, uncovered.

His Serjeant at Arms and Seal-bearer, both uncovered, one with his Mace, and the other with the Purse.

The Black Rod, with the Lord High Steward's Staff, and Garter, King of Arms on his Right Hand. in his Coat of Arms, both uncovered.

His Grace the Lord High Steward in his rich Gown, his Train bore, followed by the Chief Justices and Judges.

His Grace seated himself on the hinder Seat of the Coach singly, Garter and the Seal bearer on the other Seat over-against his Grace uncovered, the Black Rod in the Right Hand Side Boot, with his Grace's white Staff, and his Grace's Serjeant at Arms in the left Boot with his Mace; his Grace's Gentlemen in the five leading Coaches and the Judges follow'd his Grace in their own Coaches

His Grace thus attended, passed through *Red-Lyon Square*, cross *Holbourn*, down *Little and Great Queen-street*, *Long Acre*, *St. Martin's Lane*, and *King-street*, with the Judges, &c. to the *Old Palace Yard*, and so up the Stairs to the *House of Peers*. through the painted Chamber.

The Peers in their Robes and the Mace deposited upon the uppermost Woolfack, his Grace passed on to the Lord Chancellor's Room; the Staff was not brought within the House of Peers.

His Grace having stay'd there a-while, came into the House again.
and

and Prayers began. Then the Peers were called over, Garter or his Deputy being allowed to come to the Clerks Table to make a List at the same Time of the Peers present ; which done, and the Black Rod being sent to see that the Court in *Westminster Hall*, and the Passages to it were clear, and giving an Account to the House that they were so, they proceeded towards *Westminster-Hall*, thus.

His Grace the Lord High Steward's Gentlemen Attendants two and two. — The two Clerks of the Crown, bearing the Commission of the Lord High Steward. — Masters in Chancery, two and two. — Attorney General. — Judges. — Peers eldest Sons. — Peers Minors. — Four Serjeants at Arms with their Maces, two and two. — The Yeoman Usher of the House of Peers. — The Peers according to their Degrees and Precedency, two and two, (the youngest Barons first) all covered. — Four Serjeants at Arms more with their Maces, two and two. — His Grace's Seal bearer and Serjeant at Arms. — The Black Rod and Garter. — The Lord High Steward alone, covered, his Train borne.

The Lords being seated on their Benches, and the Judges and Masters in Chancery below on their Seats; the Lord High Steward making a Reverence to the State, and saluting the Peers, seated himself on the Woolfack as Speaker of the House of Lords.

The Two Clerks of the Crown being ready at the Clerks Table and the Clerk of the Crown in Chancery having the King's Commission to his Grace in his Hand, both made three Reverences to him, and at the third, coming before the Woolfack, kneeled down and the Clerk of the Crown in Chancery on his Knee, presents the Commission to his Grace, who delivers it to the Clerk of the Crown in the King's-Bench; and they making three Reverences, returned to the Clerks Table. The Clerk of the Crown in the King's-Bench opened the Commission and read it, having first directed his Grace's Serjeant at Arms to make Proclamation for Silence, which he did with his Mace upon his Shoulder.

While the Commission, was reading, his Grace and the Lords stood

stood up; all uncovered; after, which his Grace making Obeysance, reseated himself, and then Garter and Black Rod, with three Reverences, jointly presented the white Staff on their Knees to his Grace; and being fully invested in his Office, he, with the white Staff in his Hand, removed from the Woolfack to the Chair placed for him, on an Ascent before the Throne, and sat down.

At Westminster-Hall Gate the Prisoner were receiv'd by General Fuliot, and the Axe was carried into the Hall before them with the Edge from them. Proclamation being made in the Court for the Lord Lieutenant of the Tower of London to return the Precept to him directed, with the Bodies of the Prisoners: Which done, the Gentleman Goaler of the Tower brought his Prisoners to the Bar; and the Proclamation was made for the King's Evidence to come forth, the King's Counsel, (Mr. Premier Serjeant Skinner, Mr. Attorney, and Solicitor General, Sir John Strange and Sir Richard Lloyd) by his Grace's Direction, open'd the Indictment: Then his Grace moved the House, that he might advance forwards for the better hearing of the Evidence, and his Chair was accordingly moved forwards into the Court.

William Earl of Kilmarnock was first call'd on, and his Bill of Indictment for High Treason read, to which his Lordship pleaded guilty, and desired to be recommended to his Majesty for Mercy.

Then George Earl of Cromartie was brought to the Bar, who also pleaded Guilty and pray'd for Mercy.

After which Arthur Lord Balmerino was brought to the Bar, who pleaded Not Guilty, alledging that he was not at Carlisle at the Time specified in the Indictment, being at the time that that City was taken 11 Miles from thence; and then the King's Council proceeded to call their Witnesses to support the Charge against the Prisoner, four of whom were examin'd and depos'd as follows.

The first Witness swore, That he saw the Lord Balmerino, the Prisoner at the Bar, ride into Carlisle on a bay Horse, the Day after it was taken by the Rebels; that he saw him ride up to the Market place with his Sword drawn at the Head of his Troop of Horse, which was the Second Troop

Troop of the Pretender's Son's Body Guards, call'd Elphinston's Troop of Horse.---This Witness farther deposed, that he saw his Lordship very active with the other Rebel Officers in the City of Carlisle when the Pretender's Son was proclaimed Regent, he having his Sword drawn at the Head of his Troop.

Another Witness proved That he saw his Lordship ride into Manchester at the Head of his Troop. and was there when the Pretender's Son was proclaimed Regent; and the said Troop was the second Troop of the Pretender's Body Guards, and was called Elphinstone's Troop of Horse.

Two other Witnesses proved, That his Lordship was called Colonel of his Troop; that he acted always in that Station, gave Orders on all Occasions to his Officers;---And they further deposed that his Lordship was in several Places on the Road where the Rebels marched, at the Head of his Troop and was in great Esteem, with the young Pretender.

The Prisoner asking neither of the Evidences any Questions, the Council for the King here rested their Proof. Then his Grace the Lord High-Steward ask'd the Prisoner if he could offer any Thing in his Defence, or, would call any Witnesses who could invalidate what had been prov'd upon him by the Witnesses on his Majesty's Behalf.

To this he reply'd, he was sorry that he had giving their Lordships so much Trouble, and had nothing more to say, only that he was not at Carlisle at the Time the Rebels took Possession of it and the Indictment charging him with being at Carlisle expressly at that Time, he could not be guilty of that Indictment.

A Motion was then made by a noble Peer, that the Court might adjourn to the House of Lords; which they did accordingly; and, after many Debates there, they came to a Resolution, that the Opinion of the learned Judges should be taken on the Point which the Prisoner had objected to, in regard to the Indictment. Then the Lord High Steward and the Lords being returned into the Court in Westminster-Hall, the Point in Question, was put to the following Honourable Judges who were present, viz. Lord Chief Justice Lee,
Lord

Lord Chief Justice *Wills*, Mr. Justice *Wright*, Mr. Justice *Abney*, Mr. Justice *Foster*, Mr. Justice *Birch*, Mr. Baron *Reynolds*, and Mr. Baron *Clive*: And the said Judges were all of Opinion, that as an Overt-Act of High Treason, and other Acts of Treason, had been proved beyond Contradiction there was no Occasion to prove explicitly all that was laid in the Indictment, so that the Prisoner's Objection was no way material, but that the Indictment was a good Indictment, and that so far of it had been proved as the Law requires to convict any Person of High Treason:

Then Proclamation for Silence was made, when the Lord High Steward calling the Peers by their Names, one by one, and beginning with the youngest Baron, ask'd him.

Whether Arthur Lord Balmerino was guilty of the High Treason of which he stood indicted, or not guilty?

The Baron standing up, uncover'd, put his Hand on his Right Breast, and said *Guilty upon my Honour.*

And all the rest of the Peers declared the Prisoner guilty of the High Treason in the same Manner.

After the Prisoner had been found guilty of the Indictment, the Earls of *Kilmarnock*, and *Cromartie* were brought into Court, and set to the Bar with Lord *Balmerino*, when his Grace the Lord High Steward inform'd them, That if either of them had any Thing in Arrest of Judgment, their Lordships must come prepar'd the Wednesday following, at eleven o'Clock in the Morning, and lay their Objections before the Court, or Judgment of Death would be awarded against them.

After which they were carried back to the Tower In Coaches, And the Ax which was in the Coach with Lord *Balmerino* had the Edge towards him.

Wednesday

Wednesday July the 30, 1746.

The Prisoners were this Day brought again from the Tower into Court : And the Lord High Steward came in the usual Manner into *Westminster-Hall*. The Lords having taken their Places, and the Lord High Steward being in the Chair, before the Throne, the Prisoners were brought to the Bar, and Proclamation made for Silence.

After which the Lord High Steward acquainted the Earl of *Kilmarnock*, that, as he had thought proper to plead Guilty to the Indictment against him, he had thereby confessed the several High Crimes and Treasons in the said Indictment mentioned ; and therefore he desired to know, what his Lordship had to say, why Judgement of Death should not be passed on him.

“ The Earl then addressing himself to the House, made a Speech wherein he confessed the Heinousness of the Crimes, with which he stood charged, and desired their Lordships would not think what he then intended to say, was designed in any Shape, to extenuate his Guilt, but only to excite Compassion in their Lordships, to implore their Interest with his Majesty, for his Royal Clemency in his Behalf. He then acquainted the House, that the many Services his Father had done the Government, would have some little Weight with their Lordships for the above Purpose. -- That he had always taken great Pains to bring up his Son in the Revolution Principles. -- That the constant Behaviour of his Son who had the Honour of bearing a Commission under his Majesty, was well known to many of their Lordships, and therefore he appealed to them, whether his careful Endeavours in the Education of him being attended with Success, did not, in some Measure, shew he was far from encouraging those Principles which had now brought on him this unhappy Disgrace. -- That for his own Part, he had always till he was, on this present Rebellion, persuaded to swerve from his Allegiance, being a true and faithful Subject of his Majesty. -- That he had, from the rise of

the present Rebellion, till the very Hour in which he most unhappily became a Party in it, been of great Service to the Government.--- That by his Presence in *Kilmarnock*, and other adjacent Places in that Part of *Scotland*, he had prevented great Numbers from joining the Rebels, and excited the Country as much as possible to continue firm to their true Allegiance.--That he was very far from being a Person of Consequence among the Rebels.--That he had not raised one Single Man for their Service, nor had he bought up any Arms--That soon after he had joined them, being over-persuaded, he was convinced of his Error, and reflecting upon the Consequences that must necessarily attend his Family, by persisting in that Error, to prevent so great a Blot in his own Escutcheon, he determined to submit himself to his Majesty's Clemency.--That for that Purpose he separated himself from his Corps at the Battle of *Culloden*, and staid to render himself a Prisoner, though he had frequent Opportunities, and might, with the utmost Ease have made his Escape: For the Truth of which he appealed to the Person to whom he surrendered.--That since he had joined them, he had spared the Lives of many of his Majesty's Subjects, whom they had taken Prisoners and that he assisted the Sick and Wounded as much as lay in his Power, and had endeavoured to make their Confinement as easy to them as possible.--That it was with the utmost Horror and Detestation he had seen a Letter from the *French Court*, presuming to dictate Laws to a *British Monarch*, in what manner he should treat his rebellious Subjects; and that if he had any Mercy, he should desire to receive it only by the Intercession of *Britons*; But if Justice would not permit Mercy to take Place, and that if, after all he had said, the above Motives should not be sufficient to induce them to imploy their Interest with his Majesty, for his Royal Clemency in his behalf, which he most heartily prayed, he should then lay down his Life with the utmost Pleasure; and that his latest Moments should be employed in fervent Prayer for the Preservation of the Illustrious House of *Hanover*, and for the Peace and Prosperity of *Great Britain*.

The Earl of *Cromartie* being called on by the High Steward to know what he had to say, why Judgement of Death should not be

be pronounced against him, desired their Lordships favourable Representation of his unhappy Case to his Majesty, in consideration of his numerous Family. *

Lord Balmerino was last called upon, to know why Judgement of Death should not be awarded against him according to Law.

His Lordship, directing himself to the Lord High Steward, produc'd a Paper, and desired it might be read. The Lord High Steward told his Lordship he was at Liberty to read it, if he pleas'd ; but the Prisoner reply'd, his Voice was too low, and that he could not read it so well to be understood as he could wish : On which the Lord High Steward gave Orders for one of the Clerks of the Parliament to go near the Bar to the Prisoner, and read the Paper aloud, so that their Lordships and the Prisoner might hear the Contents : And the Clerk having receiv'd the Paper he read it, standing just within the Bar by the Prisoner ; which Paper was to the following Purport ;

That the Indictment was founded on an Act of Parliament made the last Sessions, by which Prisoners tried for High Treason, committed in the late Rebellion, were to be tried in such County as his Majesty should appoint ; but that the Treason with which the Prisoner is charged, is assign'd to be committed at *Carlisle*, where he ought to have been indicted, and not in *Surry*, because the Treason was committed before the passing of the said Act ; and therefore that the Prisoner could not be affected by it, and consequently that the whole Superstructure built thereon must necessarily fall to the Ground. The Prisoner therefore pray'd their Lordships to assign him Council to be heard on that Head.

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Then

* The Earl of Cromartie said nothing more than what is here inserted, altho' there was a Speech in the public Papers in very moving Words, said to be made by his Lordship. -- He really appear'd at the Bar under so deep a Grief, that he could scarcely utter the few words he did.

Then the Earl of *Granville* mov'd that the Lords would adjourn to their own House in order to consider of what the Prisoner had offer'd.

The Prisoners were then removed from the Bar, and the Lords went to their own House, where they debated the Matter for about an Hour and a half, and then return'd to the Court in *Westminster-Hall*, in the usual Form, and being seated, the Prisoners were again call'd to the Bar: When the Lord High Steward asked the Lord *Balmerino*, if he required to have Council to speak to the Point which his Lordship had before propos'd; and the Lord *Balmerino*, answering, *Yes, he did require it*; then the Lord High Steward told, his Lordship, that he was ordered by the Lords to acquaint him that they agreed to his Request, and desired him to name the Council he would have them appoint for him. Upon which he Named Mr. *Wilbraham* and Mr. *Forrester*; which the Lord High Steward told him the Court agreed to, and appointed *Friday* Morning, the 1st of *August*, to have the point argued, when the King's Council would attend. Then the Prisoners were taken from the Bar, and the Court adjourn'd. The prisoners were carried back to the Tower, and the Ax in the same Manner as before.

Friday, August 1, 1746.

The Lord High Steward being come down, and the Lords being met in their own House, they went from thence in the usual Form to the Court in *Westminster-Hall*; where being seated, and Proclamation made for the Constable of the Tower to bring his Prisoners to the Bar, he brought them in accordingly. Then the Lord High Steward asked Lord *Balmerino*, if he was ready by his Council to argue the Point which he had propos'd to the Court the *Wednesday* before; To which Lord *Balmerino* replied, that his Council had advis'd him, that there was nothing in his Objection sufficient to found an Arrest of Judgment upon; and therefore he withdrew it and humbly crav'd their Lordships Pardon for giving them so much Trouble, and submitted himself to the Court.

Then

Then the Lord High Steward ask'd the Earl of *Kilmarnock* and the Earl of *Cromartie*, if they had any Thing more to say, than what they had before offer'd? They replied, that they had nothing more, and submitted themselves to the Court. Then after Proclamation was made for Silence, the Lord High Steward made a most learned, eloquent, and excellent Speech; which being Printed by an Order of the House of Lords, and publish'd by *S. Bellingsley*, in *Chancery-Lane*, we refer the Readers thereto.

But before we proceed to the Judgment which the Lord High Steward pronounced, it will be very requisite to say something his Lordship concluded his Speech with which was, that the Rebels soon saw many of the Nobility and Gentry, from amongst the first Families, the greatest Estates, and the best Blood in the Kingdom, surrounding the Throne, soliciting to be permitted to hazard their lives in this glorious Cause, and to be authorized at their own Expences, to raise Forces for its Support. But above all, they saw both Houses of Parliament, the great Council of the Nation, the Representative Body of this People, warmed with a truly *British* Spirit, and treading in the Steps of their Ancestors, over-coming all Difficulties, and unanimously concurring in every Measure to strengthen the KING's Hands, and to maintain that Government, on which the very Being of Parliaments, and the Preservation of this limited Monarchy depend.

To these Judicious Reflections, his Lordship added the following: If these Enemies of our Peace had formed to themselves Hopes of contrary Appearances, it must be owing to the highest Degree of Infatuation, that they were not, soon convinced of their Mistake. Great Reason have we to offer up our Thanks to Heaven, that they have been effectually disappointed. Even your Lordships, said he, if you will allow yourselves to weigh your own Case in the just Balance of Religion and Conscience, you will find Cause to be thankful, that the Measure of your Guilt was not suffered to be filled up and envenomed by the final direful Success of it. If, from any unforeseen Accidents not uncommon in military Operations, those delusive Hopes were for some Time kept alive, it seems to have

have been judicially design'd by Providence to render more signal that Vengeance, which was reserved for them at the Battle of *Culloden*. How much was owing, on that memorable Day, to the Bravery and Discipline of his Majesty's Troops, to the animating Example, the intrepid Valour, and the wise Conduct of a Prince descended from him, is so deeply engraven in the Heart of this great Assembly, that nothing could be said, but what would be a Repetition of what their own grateful Minds had suggested to themselves, and represented to the Throne. Then was experienced how much that Courage, which Virtue, true Loyalty, and the love of our Country inspire, is superior to the Rashness and false Fire of Rebellion, accompanied with the Terrors of Guilt.

His Lordship concluded with observing, that it was his Majesty's Justice to bring their lordships to a legal Trial; and it was his Wisdom to shew, that, as a small Part of his national Forces was sufficient to subdue the Rebel Army in the Field, so the ordinary Course of the laws was strong enough to bring even their Chiefs to Justice.

His Lordship then pronounced the Judgement which the law required, and which that High Court awarded, *viz,*

That you, William Earl of Kilmarnock, George Earl of Cromartie and Arthur Lord Balmerino, and every of you, Return to the Prison of the Tower from whence you came; from thence you must be drawn to the Place of Execution; when you come there, you must be hang'd by the Neck, but not till your Head; for you must be cut down alive; then your Bowels must be taken out, and burnt before your Faces; then your Heads must be sever'd from your Bodies, and your Bodies must be divided each into four Quarters; and these must be at the KING'S Disposal.

And God Almighty be merciful to your Souls

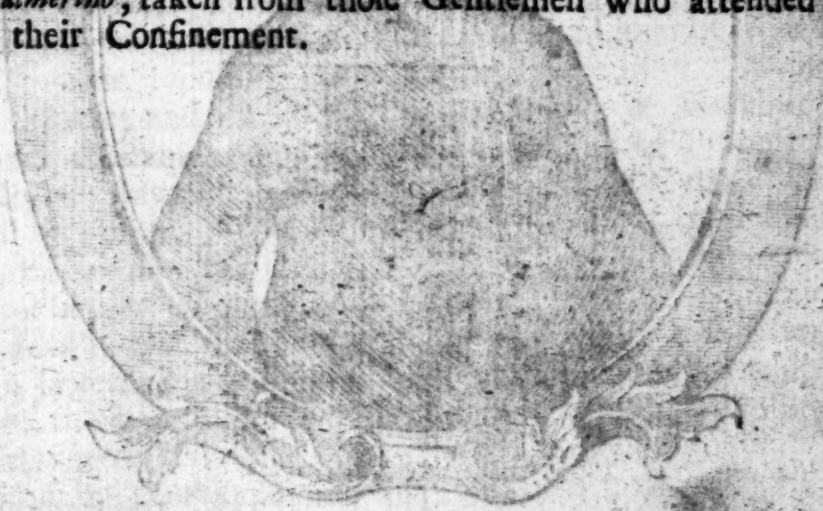
Then the Prisoners were taken from the Bar, and the Lord High Steward standing up, he inform'd the Lords that all the Business was completed, which by his Commission he was to execute, and then his Grace took the white Rod in both his Hands and broke it in two Pieces, and declared his Commission was at an End The

The Business of the Court being over, the Lords adjourn'd to their House ; when a Motion was made and carried in the Affirmative, that the Thanks of that House be given to the Right Honourable the Lord Chancellor, for his equitable Administration of his Office, as Lord High Steward appointed for the Trial of the Lords who had been indicted for High Treason.

The Lords Prisoners after taking Part of a cold Collation prepared for them, were conducted to their Coaches, the Axe being now carried with the Edge towards them, as they proceeded to the Tower. They still preserved their Countenance, not betraying the least Signs of Dejection, and the Populace behaved with much Decency.

Having thus given a true and exact Account of the Proceedings against the said Lords of their Trials ; I shall proceed next to Memoirs of the Life of the Earl of *Kilmarnock*, and so conclude with the Conversation, Behaviour, and Dying Words of him, and the Lord *Balmerino* ; taken from those Gentlemen who attended them, during their Confinement.

The



KILMARNOCK

The Business of the Court being over, the Lords adjourn'd to
their House; when a Motion was made and carried in the Affair
above, that the Thanks of that Honourable Administration of his
Office as Lord High Chancellor should be given to the Right Honour-
able the Lord Chancellor, who had been in the
The Lords being assembled, the Lord Chancellor presented
for them was read to their Coaches, and they now con-
ried with the Lord Chancellor, and they proceeded to the Court.
They will be to their Coaches, or to the Lord Chancellor's
of the Court, and the Lord Chancellor will march
Having given a short account of the proceedings
against the Lords of the Council, and to the Lord
moins of the life of the Earl of Kilmarnock, and to the
the Convention, Behaviour, Words of the Earl, and the
said Earl; taken from the men who attended him
during his Confinement.

The



Earl of KILMARNOCK.



The LIFE of WILLIAM BOYDE,
Earl of KILMARNOCK and Lord
 BOYDE.

TH E Earl of *Kilmarnock*, takes his Title of Earl, from a Royal Borough of that Name, in the Shire of *Cunningham*: The first remarkable Man of his Family, and the first who assumed the Sirname of *Boyde*, is said, by *Scotch* Genealogists, to be *Robert*, the Son of *Simon*, third Son of *Allan* Lord High Chancellor of *Scotland*, in the Year 1111. so in Right of this *Robert*, from whom the Earl of *Kilmarnock* is linelally descended, this Branch of the Name of *Boyde* claims to be chief, and acted in that Capacity, when Chieftainship was in repute in that Part of the Country; but for more then a Century and a half, Chiefs in that Part of *Scotland*, neither have, nor claim any other Advantage, but that of Precedency.

Historians have left a Blank in the Genealogy of the Family, from the last mentioned *Robert Boyde*, in the Year 1111, to a Descendant of his, called *Sir Robert Boyde*; who, in the Year 1263, gave signal Proofs of his Valour and military Skill, in that famous Battle of the *Largs*, fought by the *Scots* against the *Norwegians*, who attempted to make a Descent upon that Part of the Country; for which (for it seems in those Days Merit was rewarded) he obtained a Grant from the Crown, of several Lands in the Shire of *Cunningham*: He was succeeded by another *Sir Robert*, who like his Predecessor, exercised his Valour in Defence of his King and Country; and like him happening to live in an Age when Virtue was the only Way to Preferment, he received as a reward of his Services, the Lands of *Kilmarnock* from *Robert* the first, then King of *Scotland*; which Lands have continued ever since in the Family, and gave the Title of Earl to the late Lord.

He was succeeded by his Son *Sir Thomas*, a Man eminent for learning and Piety; he discharged several Employments of great Trust and Honour, to the Satisfaction both of the King and the Subject; he lived to a good Age, and was succeeded in his Estate and Honour, by his Son *Sir Thomas*, who inherited his Father's Virtues as well as his Wealth: He lived in the Esteem of his King and Country, having married one of the Daughters and Coheirs of *Sir John Giffard*, in the Shire of *Tesler*, of *Tweedale*.

He was succeeded by *Thomas* his Son, who held Places of great Trust under the Crown, and was esteemed a Man of Weight in his Country, and was received by the *English* as one of the Hostages, for the Ransom of King *James* the first: He married *Jane*, a Daughter of the Family of *Montgomery*; by her he had a Son of his own Name who succeeded him.

This *Thomas*, Historians make no other mention of, except that he was Father of *Robert*; a Man remarkably for his Abilities, both as a Soldier and a Statesman: He made large Additions to his paternal Inheritance, and grew so much in the Esteem and Confidence of his Sovereign, that he was created a Baron, and called to Parliament by the Name and Title of Lord *Boyde* of *Kilmarnock*: He had a younger Brother, no less eminent for Valour than himself; who received the Honour of Knighthood, and was stiled *Sir Alexander Boyde* of *Duncom*; of which Branch we shall have occasion to speak of presently, as they succeeded to the Estate and Honours of *Kilmarnock*.

Robert, the first Lord *Boyde*; was succeeded by his Son *Robert*; who inherited from his Father, all those eminent Qualities which give lustre to high Birth: He was a Nobleman of a quick Wit, and penetrating sound Judgment; he knew Men and Things as well as any Man of his Time, was courteous and affable in his Behaviour, by which Means he acquired the Esteem and Confidence of all Ranks of People and in a short Time gained such a Share of Reputation and Popularity, that on the 25th of *October* 1466, he was, by Letters Patent created Regent of *Scotland*, during the Minority of King *James*

James the third: He married *Marion*, Daughter of *Sir Robert Maxwell Calderwood*, by whom he had Issue

Thomas Lord Boyde, who in his Father's Lifetime, and by his Father's Interest as Regent, married the Lady *Mary Stewart*, eldest Sister to *King James the third*: This Match, and near Alliance to the Crown, added to his own distinguished Merit, raised him to a nearer Place in the Affection, as well as confidence of his Sovereign, by whom he was created Earl of *Arran*, and in a little Time after was sent Ambassador to *Denmark*, to treat of a Marriage between the young King, his Brother-in-Law, and *Margaret*, a Daughter of that Crown.

He succeeded in his Embassy, espoused the *Danish* Princess in the Name of his Master, received her on board the Ships appointed for her Convoy, and brought her safe to the Firth of *Leith*, where the Queen landed; but her Conductor, the Earl of *Arran*, found it was not safe for him to set Foot on his native Shore; for though he brought Joy and a Queen to his Sovereign, yet the hidden Practices of his Enemies, had so far prevailed on that Prince in his Absence, as to sacrifice to their Resentment, not only the Earl but all his Family, notwithstanding their own and their Ancestors great Services to the Crown, and in Spite of the Ties of Blood which united them so closely.

The Earl of *Arran* was no sooner set out for *Denmark*, than those Enemies, which Envy alone had raised them, set about contriving his Ruin: They represented to the young King, that the old Lord *Boyde* had abused his Power, during his Majesty's Minority; they objected his matching his Son, now Earl of *Arran*, with the Royal Family, as an Indignity to the Crown; and Prelude to the Execution of a Plot they had contrived, of usurping the Sovereignty: This Prince, who had none of the penetrating Heads, was soon alarmed and his Fears were as soon wrought upon, he quickly becoming the Tool of the lowest Revenge: At their Request he summoned a Parliament, before whom the old *Thomas Lord Boyde*, the Earl of *Arran* his Son, (though absent *Respublica Causa*) and his Brother, *Sir Alex-*

ander Boyde of Duncow, was summoned to appear, and give an Account of their Administration: The good old Lord finding it impossible to stem the Torrent, and having no Confidence in the Parliament, which he knew his Enemies had found ways to model for their mischievous Purposes, (it would seem that pack'd Parliaments is no new Thing) took an Opportunity to make his Escape into *England*, where he died in Peace.

His Brother, Sir *Alexander*, had the Courage to stand a Trial; but his Innocence was not sufficient to save him from the Malice of his Enemies; he was attainted, found guilty of High Treason, and executed.

Things were in this Situation when the Earl of *Arran* arrived with the espoused Queen in the Firth of *Forth*: Before he landed, he had some Friend who gave him Intelligence of the State of his Family, and the Danger of his Person: He therefore did not think it proper to attend the Ceremonial of the Queen's Landing, or to trouble his weak and ungrateful Master with Success of his Embassy; but, taking the Opportunity of one of those *Danish* Ships which convoyed the Queen and were under his Command, he embarked his Wife, and retired to *Denmark*, where he met a noble Reception, suitable to his high Birth and real Merit: From thence he travelled into *France*, and going to pay a Visit to *Charles*, then Duke of *Burgundy*, in the Year 1470, he died at *Antwerp*, and was honourably interred at the Expence of the Duke of *Burgundy*, who ordered likewise a superb Monument to be erected to his Memory, with an Inscription suitable to the great Character he had justly merited from all Lovers of Worth and Virtue.

By his Lady, the Lady *Mary Stewart*, he left a Son, named *James* who died without Issue; and a Daughter, who was first married to *Alexander Forbes*, Ancestor of the Lord *Forbes*, and afterwards to *David Kennedy*, Earl of *Cossils*; by both which Marriages she had Issue; the Lady *Mary*, Widow of the Earl of *Arran*, in the Year 1474 married *James Lord Hamilton*, and in her Right, and as descended

from

from her, that noble Family of *Hamilton* was next in the Intail of the Crown of *Scotland*, after the Extinction of the House of *Stewart*.

The Earl of *Arran*'s Son *James*, dying without Issue, the Line was carried on by Sir *Alexander*, Son of Sir *Alexander Boyde* of *Duncow*, who by King *James* the fourth was restored to the Lands of *Kilmarnock*, and the rest of the Estate of his Family.

Though he had not so much Power as some of his Predecessors, nor so large an Estate, yet he by no means fell short, or was any way wanting in those Qualifications, which had rendered his Family illustrious: The Misfortune which had so lately involved them in Ruin, made him cautious in meddling with State-Affairs: He was satisfied with his private Estate; and free from Publick Envy, or the racking Torments of Ambition, he lived a Life of Retirement, honoured and respected by all who knew him. He married a Daughter of the Family of *Colvil*, by whom he had Issue three Sons.

Robert the Eldest succeeded, and proved but unactive; he lived upon his Estate in the Country; seldom or never coming to Court: Whether the Catastrophe of his Family was still in his Mind, and deterred him from dabbling in Politics, or the natural Indolence of his Temper gave him Aversion to Business, is uncertain. He was allowed to have Capacity enough to discharge the highest Employments; and if he did not possess the Hereditary Qualities of his House, in that eminent Degree which some of his Predecessors had done, he betrayed no Vice to sully the Lustre of his Descent; he married *Helen*, Daughter to Sir *John Sommerveil* of *Comnetham*, by whom he had Issue.

Robert his eldest Son and Heir a Nobleman who had a Genius as remarkable for Activity, as his Father's was for Indolence: The Trouble of the Times, during the unhappy Reign of that unfortunate Princess *Queen Mary*, gave him sufficient Opportunity to exercise his great Talents: Though he condemned the imprudent Measures, which involved the Queen in the Disasters of her Reign, yet he preserved his Loyalty to that unhappy Princess during the Worst of Times; and in her greatest Exigency expressed his Abhorrence of the violent Measures pursued by the Subjects against her: And though he wanted the Power, yet he showed an Inclination

on to support the Rights of his Sovereign against the wild Encroachments of the giddy People; since he risked his Life in her Defence, as often as he had an Opportunity; and never deserted her Cause, till by her imprudent Flight into *England*, she put it out of the Power of her loyal and well-affected Subjects to do her any Service. It was then, and not till then, that he made a Virtue of Necessity, and complied with the Times, and the Humour of the People, who sat her Infant Son upon the Throne, without any regard to the Mother's Title: He married *Margaret*, Daughter and sole Heiress of *George Colquhane* of *Glin*; which made a considerable Addition to his Paternal Inheritance: By her he had Issue several Daughters, one of whom married *Hugh Montgomery*, Earl of *Eglington*; he had likewise a Son named *Thomas*, who succeeded him.

Thomas, was just of Age when he came to the Estate, and applied himself entirely to the Improvement of his private Fortune; he loved Money more than Renown and Glory, and sacrificed every Thing to his covetous Disposition: He had no Talent for State-Affairs, otherwise he might have proved a fit enough Tool for a venal Court: And as he had no Court Talents that could be of any use to King *James* in *Scotland*; so he had no Share of the *English* Money, which that Monarch squandered away profusely upon those of his *Scotch* Subjects, who attributed more Wisdom to him than *Solomon* possessed; and for the sake of Pensions, bestowed more Prerogative upon him, than any of his more deserving Predecessors ever enjoyed, and for which some of them would have taken the Forfeit of those Courtiers Heads, who would have presumed to mention the Design of such an Encroachment upon the Liberty of the People.

Thomas lived little respected for any good Quality, and died less lamented than any of his Forefathers: He married *Marion*, Daughter of *Matthew Campbell* of *Loudon*; Ancestor to the Earl of that Name; by whom he had Issue, a Son named *Robert*, and a Daughter who married *James Hamilton*, Earl of *Abercorn*; his Son *Robert* married *Jane* Daughter to *Mark Ker* Earl of *Lothian*; he died before his Fa-

ther, leaving Issue two Sons, one named *Robert*, who succeeded his Grandfather, and *James* who likewise came to the Estate.

This *Robert*, though he enjoyed his Grandfather's Estate, inherited none of his Vices; and was entirely free from that sordid covetous Disposition; which betrayed itself in his Predecessors actions: He was generous without Profusion; charitable without Ostentation; a zealous Friend, and no inveterate Enemy; He was a hearty Friend, to, and supporter of the Reformed Doctrine of the Church of *Scotland*; in short, a Man of extensive Charity and universal Benevolence; He never affected any Character but that of a private Gentleman, and preferred the Approbation, and Confidence of a few faithful Friends and Neighbours, to the Noise and Bustle of a Court: And though he did not die with so much Public Eclat, as some of his Predecessors, yet he left the World as much regretted by the honest Part of Mankind, who were Witnesses of his Virtue, as any Man of his Race.

He married *Christian*, Daughter to *Thomas Hamilton*, Earl of *Haddington*; and died in the Year One Thousand Six Hundred and Twenty-Eight; leaving Issue, *Robert* his Son and Heir, and four Daughters.

The Records of the Family, make no other mention of this *Robert* who succeeded, but that he died without Issue, and that his Estate and Honours devolved upon *James* his Uncle, by his Father's Side. Historians, as well as the Records, are as silent as to the Decds or Character of *James* as they are of *Robert*; they marry him to a Daughter of *John Clark* of the City of *Tork*, Esq; by whom he had Issue *William* his Son and Heir.

This is the first Time they have matched beneath their Quality; and some account for it in this Manner: They say *James* married this Lady, when he had no Prospect of the Estate; and so as a younger Brother had more Occasion for Money than high Blood: Of the former, this Lady had it seems great Plenty; but the real Occupation of her Family, the Annalist chose to conceal under that general Appellation

pellation of Esquire; but whatever might be the Ladies Quality, she brought with her a large Stock of Ready Money; which the Estate at this Period of Time wanted; and possed as large a share of Virtue and Prudence, as any Lady that ever married into the Family.

William succeeded to the Estate, and gave early Proofs of his Abilities; and that he inherited all the shining Qualities of his Progenitors; he was esteemed a Man of Wit and Learning, which recommended his more solid Parts in the gay Court of King *Charles II.* He was remarkably active in the Interest of that Monarch, when the Prospect of his Restoration was set on Foot; for which, and some Services he did the Crown after the Restoration, he was created by King *Charles II.* Earl of *Kilmarnock* the Family having remained in a private Station from the Time of the famous Earl of *Arran* in *James III.*'s Reign, till this Period, when they again appeared in Parliament with their ancient Lustre. He married *Janet*, Daughter to *William Cunningham*, Earl of *Glencairn*: He died in the Year One Thousand Six Hundred and Ninety-two; leaving Issue four Sons and two Daughters.

William the eldest Son succeeded; a Youth remarkably beautiful in his Person, and a Particular Sweetness in his Temper, joined to a ready Wit, and a Solidity of Judgment beyond his Years, gave Hopes that he would prove an Ornament to his high Birth and Station; but he survived his Father but a few Months. He had married, in his Father's Life-time. *Lettice*, Daughter of *William Boyde*, a considerable Merchant of the City of *Dublin* and a Relation of his own; by whom he left Issue, *William*, the third Earl of *Kilmarnock*, and *Thomas Boyde*, a Gentleman eminent in the Profession of the Civil and Municipal Law of *Scotland*, who for his distinguished Merit, was promoted to the Honour of Lord Advocate.

William, the third Earl of *Kilmarnock*, was no less distinguished for his Abilities than the rest of his Predecessors: He was remarkably zealous in the Parliament of *Scotland*, for that famous Act called, *The Act of Security*; he was somewhat wavering in his Conduct with Relation to the Union; and affected, in the beginning of that
Affair,

Affair, to join the *Squadron Volante*; I mean that Party, headed by the Marquis of Tweedale, who were distinguished by that Name on account of their pretending to Join neither of the Parties, but to cast the Ballance betwixt them: But the Earl, finding the Weakness as well as the selfish Views of that Party, left them, and joined the *Whiggs*, and those who promoted the Union; though like many others who voted for it, he could have wished it had been conducted with more Circumspection; that the Means to bring it about had been less worthy of Censure; and that the whole had put on a more popular Aspect. He died on the Twenty-second of November, One Thousand Seven Hundred and Seventeen; leaving Issue by *Euphene* his Wife, Daughter to *William* Lord *Ross*, the late *William*, the Fourth Earl of *Kilmarnock*.

The Late Lord was but very young when his Father died; but discovered an early Genius not unworthy the Dignity of his Birth. But his Father's Death, leaving him too soon at Liberty to be his own Master, and the Indulgence, that is generally given to young Noblemen, added to the Natural Sprightliness of his Temper, soon gave him an Aversion to a rigorous Study of Letters, though he had made some Progress in Classical Learning, and had acquired some tolerable Notion of Philosophy and Mathematicks; but there was too much of the volatile in his Disposition, to continue long at Exercises, that required Application: He was more happy in acquiring those which are called genteel Accomplishments, such as Riding, Fencing, Dancing, and some Musick; in all which he excelled, and is justly esteemed by Men of Taste, a Polite Gentleman.

When he came to the Estate, it was pretty much incumbered, and great Part of the old Patrimony alienated: The Earl's Disposition, was by no means cut out for improving it by Parsimony; on the contrary, as his Income was infinitely short of what the Generosity, or rather the Profuseness of his Disposition would prompt him to spend, he found his Affairs daily growing worse, and therefore thought of bettering his Circumstances, by an advantageous Match.

To this Purpose, he fixed his Eyes upon Lady *Ann Livingston*, Daughter of *James, Earl of Linlithgow and Callander*, a young Lady of considerable Fortune, a great Beauty, and every way accomplished to make the greatest Prince happy : The Earl made his Addresses to the Lady but her Friends, who knew the low Ebb of the Earl's Fortune, refused their Consent ; however his Lordship's agreeable Person and genteel Address, raised a Friend for him in the generous Lady's Bosom, who is generally an Enemy to Settlements, and other paternal Cautions : In short, the young Lady married him without her Mother's Consent, who was obliged to submit when there was no Remedy. His Lordship proved but ungrateful for the Lady's Generosity, and public Fame strangely belie him, if she had not much Cause to complain of his Conduct ; but as the Lady has both a large Share of Spirit, Wit, and good Sense, they have lived, if not happily, at least civilly together.

His Lordship's Excesses added to the Charge of a Family, reduced the Estate so low that it was not now sufficient to support them with any tollerable Decency ; his Lordship was therefore obliged to apply to the Ministry for a Pension, which he obtained in Consideration of ———, and has ever since enjoy'd it : This by most People, is looked upon as an Aggravation of the Earl's Treason ; but I consider it in a different Light : A Pension granted by the Sovereign to a Peer reduced to Circumstances unequal to his Dignity, is no doubt an additional Tye upon his Loyalty, and must heighten any Act of Ingratitude of his, in a high Degree ; but a Pension granted by a Minister to serve some Party Purpose, and perhaps to betray the essential Privilege of Peerage, cannot be compared with this ? the one enforces Love and Gratitude, while the other saps the Foundation of Honour, and hardens and prepares the Mind of the Receiver, for the blackest Treachery.

He who for the Sake of a Bribe or a temporary Pension, can give up his Freedom to the Dictates of a designing Ministry, can never be possessed of any Principles of Loyalty to his Sovereign : As he has sold himself to the Minister, he must be ready on all Occasions, to make the best Market of his Treachery and to make Ship-wreck of his Duty both to King and

and Country when an Opportunity offers that flatters his Interest. Whether my Lord Kilmarnock's Pension was a ministerial Bribe, or a Royal Bounty, is a Question I cannot determine with any Certainty; But I have Reason to suspect the former, since few Pensions, granted by a certain Administration, deserved the Name of the latter. But without Breach of Charity we may make this Remark, which I hope will not be thought unseasonable, that little or no Dependence is to be had upon that Loyalty, which wants the Support of Bribes or Pensions. I dare not wish that all who are bribed may betray their Trust, the Practice is too General, and a Defection of this kind of Men might be fatal to the State: But I hope there is no Sin in wishing, and that all honest Men will join me in my Wish that every Person who bribes the Subject, to serve Private or Party Views may be deceived by those they bribe.

It does not appear to me that the Earl was in the original Design of this Rebellion; I don't take him to be of that Completion, that the Party would have trusted him with their Designs before they were ready, or rather partly put in Execution: As his Countess is Heiress of the House of Linlithgow and Callander, this Lord might flatter himself with some Advantages that way, by the Restoration of the House of Stewarts: This Circumstance, and his Lordship's Necessities, Occasioned by the largeness of his Family, might induce the Party to number him as one of their Friends, without so much as consulting his Inclinations; and those Hopes might likewise induce his Lordship to comply with their Solicitations with less Reluctance; but it is certain the Rebellion was far advanced, before his Lordship so much as thought of joining them, and had he been supported by but one Friend, to second his own natural Timidity and Irresolution, he had certainly deceived the Expectation of the Party, and preserved his Loyalty.

But his Lady happening to be at Edinburgh when the Young Pretender entered that City, she was charmed with the Gallantry of his military Court, and the Affability with which he treated her and all the Ladies: The Countess is naturally of a very gay Disposition, is fond of Public Diversions, and is generally the first at all Parties of Pleasure; she found herself more than usually caress'd, by a Person who personated Sovereignty, which flattered her Van-

ty, and puffed up her Ambition; she was soon converted to the *Jacobites* to such a Degree, that they esteemed it Madnets and Infatuation in every Body who did not immediately join their Standard, Amongst the rest the Earl of *Kilmarnock* joined them, and was received by the young Chevalier with Marks of great Esteem and Distinction; he was declared of the Privy Council, made Colonel of his Guards, and promoted to the Degree of a General. How his Lordship behaved in these Stations, (quite new to him, and foreign from his former Manner of Life.) I shall not take upon me to determine: but common Fame says, that he behaved with Courage and Resolution till the Day of the Battle of *Culloden*, when every Thing that was manly forsook him.

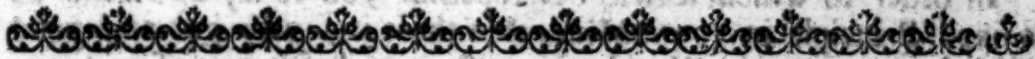
It deserves Observation, that this Earl, when he was but eleven Years of Age, appear'd in Arms in Company with the Earl his Father, and was much taken Notice of for his graceful Behaviour. This was in the last Rebellion, in the Year 1715, when his Father appear'd at the Head of above 500 of his own Men, in Defence of his Majesty King *George I*; and happy had it been for his Son, had he exerted himself as strenuously in Behalf of his Present Majesty, and not have degenerated from so noble an Example as his Father had left him.

During his Lordship's Confinement in the Tower, as well before as since his Conviction, he behav'd very seriously and sedately, expressing his Sorrow for having engag'd himself in the late unnatural Rebellion.

One Thing deserves Remark; and that is that his Lordship had a Pension from his Majesty, and had also at Times received many and great Marks of Favour and Distinction from the King, all of which were Aggravations of his Ingratitude in taking up Arms against a Prince by whom he had been so much favour'd and nourish'd.

The Earl of *Kilmarnock* has three Sons, one of them, the eldest, Lord *Boyd*, was an Officer in the *Welsh* Fuzileers in the Duke's Army,

Army, and was at the Battle of *Culloden*; and another of them is an Officer in the Navy. During his Confinement in the Tower he was very sparing and parsimonious, and kept but an indifferent Table, both before and since his Conviction. Several of the Nobility, both *English* and *Scots*, have, at Times, apply'd to his Majesty for his Pardon, and would have engag'd their Honours for his future good Behaviour; but Reasons of State would not Suffer it to be granted. With Regard to his Behaviour since his Condemnation, both in the Tower, and in his last Moments, together with his Dying-Words, we shall speak of them more particularly hereafter.



The following is a Letter sent to the Lord **BALMERINO**, during the Time he lay under Sentence of Death in the Tower, by the Reverend Mr. **HUMPHREYS**, one of the Clergymen appointed to attend him.

“ **T** H E Address I here take the Liberty to make you, proceeds from no other Motive than Christian Charity; if any Thing I can offer to your Lordship's Consideration should be suitable to your Circumstances, I hope you will be pleas'd to accept it, how meanly soever it is perform'd, with the same Charity that I have design'd it.

My Lord I am sincerely concerned for your melancholy Situation; but, at the same Time give me leave to observe that it is the Fruit of

of your own Choice, the natural Consequence of your late unhappy Conduct: But this being a Subject of too tender a Nature to expatiate on (as presuming you are by this Time thoroughly convinc'd of the Unjustifiableness of your Attempt, and the Malignity of your Crime) I willingly pass it over, in order to make room for other Considerations more befitting your present Condition.

As you are now most justly under the Sentence of the Law, it is by no means my Design to add greater Weight to the Afflictions you feel, but rather to contribute my Endeavours to alleviate your Burden, and to assist you to bear it with becoming Decency and Fortitude.

In order to which, it will be proper for you to lay down this as a fixed Principle in your Mind, that there is a wise just and good God that governs the World; that whatever befalls any of us, (even the severest of our Sufferings) is either procured or permitted by his Providence; and consequently, tho', upon the Account of our Imperfection, we perceive not always the Justice and Equity of it, must be right, must be best upon the whole: If you are once thoroughly persuaded of this Truth, you'll not find it so difficult a Matter to conform your Mind to the Will of Providence, and to be in some Measure satisfy'd with your Condition.

There is no Duty in Religion more generally agreed on, nor more justly requir'd by Almighty God, than a perfect Submission to his Will in all Things, nor is there any Disposition of Mind that can either please him more, or become us better, than that of being satisfied with all his wise Dispensations: Besides, if we attend to the present State of Things and the various Contingences of human Life, a Confidence in God, Resignation to his Will, and Patience under his Infirmities, are Virtues necessary for all Men; but more particularly so for Persons under your Circumstances: You, my Lord are now call'd forth to exercise these Heroic Virtues, to signalize yourself, and to act the Part of a Man and a Christian in a more particular Manner; You have now an Opportunity of shewing a noble Example of Patience and Fortitude under your Sufferings, and

and of wiping off some of the Blemishes of your Life by a decent and Christian Behaviour at your Death.

My Lord the World allows you to have a great Share of Intrepidity and Resolution ; and therefore as you find yourself already furnish'd with sufficient Strength of Mind to bear you up under all Extremities, you'll perhaps look upon this Part of my Letter to be unnecessary and impertinent : But my Lord it is a serious Thing to die ; where there no more in Death than the momentary Pains of dying, there would be no such mighty Matter in submitting to its Stroke : But when, as Christians, we consider the Consequences of this great Revolution of Nature that Eternity we shall then be fix'd in, and the different Portions of Men in another State, according to their different Behaviour in this, to die, considered in this Light, is a Thing of no small Concern and Importance.

What then must be done to disarm this King of Terrors, and to make this period of our Life easy and supportable ; Not the proud Boasting of a false and ignorant Security, not the Force of unseasonable Mirth and Humour, nor the more rash and daring Contempt of Futurity can afford us any solid and wellgrounded Comfort. Religion is the only Thing that is capable of affording us Relief at the Hour of Death, from thence we must derive all our Succours in the Day of our Distress. For since we are all Sinners, and consequently subject to Death true Repentance takes out its Sting, and frees us from its Terror. No Man meets Death with becoming Resolution, that is not in some Measure prepared for it.

My Lord, I am a Stranger to your Life and Conversation, but am charitably inclined to hope that you have made some timely Provision for another State ; and have not, as too many do, put off the great Work of Life to the End of it ; this is best known to God and your own Conscience : However upon the most favourable Supposition, it would be Madness at this Time, not to do all that can be done to complete your Repentance, and to make your Salvation sure.

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You now tread upon the Confines of Eternity, no Time is to be lost, no Moments are to be misemploy'd: It concerns you therefore to deal impartially and sincerely with yourself, and not to deceive your Soul in a Matter of such vast and infinite Moment as its eternal State.

Your present Confinement, how grievous soever it is to your Body may be of no small Advantage to your Soul: It gives you an Opportunity of abstracting your Mind from the World, of looking into yourself, and reflecting upon your past Conduct; you now see the Folly of all the various Schemes and Pursuits of your former Life; Honour, Pleasure and Power are now mean and contemptible in your Eyes; and you are by this Time sufficiently convinc'd, that all things below are Vanity and Vexation: In a Word, you now see Things as they really are in themselves, and value them at no higher Rate than their true and intrinsic Worth.

Permit me then to advise you, as a sincere Well-wisher to your immortal Soul, to shew a noble Specimen of the Contempt of the World, and its paltry Enjoyments, to place your Affections on Things above, and not on Things below; and to have your Heart fixed there, where you expect your Treasure. The present Life is short and transitory, but short as it is, sufficiently long for the Evils thereof; in this World we are Strangers and Sojourners, station'd only for a While in a State of Trial, and travelling, as it were, thro' a strange Country, to our proper Home, for here we have no continuing City, but we seek one to come: Since then God, out of Mercy to us, did not design this troublesome World for our perpetual Abode, it will be your Wisdom and mine to prepare ourselves for that blissful and eternal State where true Joys are to be found.

In the mean Time let it be your Endeavour to resign yourself up to God's wise and just Disposal, and to possess your Soul in Patience for a little while, and fortify your Mind with Courage, since you see Land; the Storm you are in will soon be over, and Death will land you on the happy Shore of Peace and Tranquillity: There as *Job* elegantly expresses it, *The Wicked cease from troubling, and there the weary*

Weary be at Rest ; there the Prisoners rest together ; they hear not the Voice of the Oppressor ; the Small and Great are there and the Servant is free from his Master.

I have, perhaps, by this long Letter interrupted your own more useful Meditations ; I shall therefore take my Leave of you, and commend you to the Father of Mercies and the God of all Consolation ; beseeching him, out of his infinite Compassion, and thro' the Merits of Jesus Christ, to supply to you the Want of the usual Measures of Time, and Periods of Repentance, to grant that your Punishment may be only in this World, and your Pardon seal'd in the next ; to give you Hope in your Death, and a Portion in his " heavenly Kingdom These are the Affectionate and Hearty Prayers " of.

My LORD,

Your Lordship's Sincere Well-Wisher,

And most obedient Servant,

Tower, Aug.
9, 1746.

C. HUMPHREYS.

To the KING's most Sacred Majesty.

*The humble Petition of William late Earl of
Kilmarnock,*

Sheweth,

THE Petitioner having met with the condemnation justly due to his crime, presumes, throwing himself at your Majesty's feet, to implore your Majesty's Royal Clemency, and, tho' very

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sensible

sensible that nothing can excuse or mitigate his crime, hopes he may be considered in your Majesty's eye, as an object of compassion and pity.

His family's constant attachment to the Revolution interest and that of your Illustrious House, his father's zeal and activity in support of both, when attacked by your late Royal Father's enemies in 1715, his own appearing in arms (tho' then but young) under his father, the whole tenor of his conduct since that time, and the sentiments of duty and loyalty in which he has educated his eldest son who now has the honour of bearing your Majesty's commission, tho' no diminution of his guilt, may yet let in a presumption, that he has offended more from rashness and the designs of wicked and ill-disposed persons, than from any principle of disaffection to your Majesty.

The Petitioner humbly begs leave to acquaint your Majesty, that he influenced neither tenant nor follower of his to assist or abet the Rebellion; but on the contrary that between the time of the battle of *Preston*, and his unhappy Junction with the rebels, he went to the town of *Kilmarnock*, influenced its inhabitants, as far as he could, and by their means their neighbouring boroughs, to rise in arms for your Majesty's service; which had so good an effect, that 200 men of *Kilmarnock* appeared very soon in arms, and remained so all the winter at *Glasgow*, or other places as they were ordered. And even in the midst of his greatest delusion, when in arms against your sacred Majesty and your Authority, it was the Petitioner's constant care (as far as in his power) to protect your faithful subjects from injury in their persons or estates. He extended his care to such of your Majesty's troops as had the misfortune of falling into the hands of the rebels, both officers and private men finding better usage, and their condition rendered more supportable through his means, than it would otherwise have been; as many of them can, and the Petitioner believes will, testify when called upon.

The Petitioner was not taken but surrendered himself at the battle of *Culloden*, having left those he was joined with, when they were got so far, that most if not all of them escaped, except himself, who

who from thence turned down to the ground where the dragoons were drawn up at a considerable distance, and this at a Time when he might easily have made his escape, being near no body, nor any in pursuit of him. He chose submission as far preferable to obstinacy in rebellion. His first principles revived in his Breast. He determined rather to run the risque of an ignominious death, as the atonement of his Treason, than to recur to and become, dependent upon a foreign power, that power especially being the natural enemy of his country, and your Majesty the Father of it.

Under these circumstances, SIR, it is that the unhappy Petitioner (more so from remorse of having violated his allegiance to your Majesty, than from the sentence he lies under) dares to approach your Throne, and implore your Royal Mercy, and which he hopes for, as he can't reproach himself with any guilt precedent to this fatal breach of his duty.



To his Royal Highness the D U K E.

*Petition of William late Earl of Kilmarnock,
Prisoner in the Tower of London, under
Sentence of Death.*

Humbly sheweth,

TH A T your Petitioner is already, on his acknowledgment, convicted of the greatest of all crimes, that of High Treason, by Rebellion against his most Sacred Majesty and his country, and has received the sentence of death justly due.

Your Petitioner has heard your Royal Highness was informed, that he was guilty of other aggravating crimes, which alone would render him an object of horror and detestation to all good men, tho' the guilt of Rebellion had not been added to them, that of advising the putting to death thole were Prisoners before the battle of *Culloden*; and advising or approving of the bloody and barbarous order for giving no quarter to his Majesty's troops at that battle.

Your Petitioner begs leave to assure your Royal Highness, that he never gave, or had any opportunity to give such advice. That he never was at a council, while he was so unhappy as to be engaged in the Rebellion, except one at *Darby*; for which he appeals to any in or about *London*, who may know, if ever he was seen at one.

Cruelty was never a part of your Petitioner's character, either in the former part of his life, or during his engagement with the rebels; and many prisoners, all he had access to, will testify that his behaviour to, and care of them shew'd a very different disposition. If ever there was such a proposal made, with respect to the Prisoners your Petitioner must have fallen under the Imputation of it, by a mistake of names, he himself having never heard of it.

For the order to give no quarter your Petitioner likewise protests he never knew or heard of any such thing, till he was some days a Prisoner at *Inverness*; nor could he give credit to the report of it, till he was assured your Royal Highness had got the original order signed *George Murry*. And the Petitioner presumes, that order must have been giving by the person who sign'd it of himself; for all orders that ever came to your Petitioner's hands, were signed by Mr. *Scullevan*.

Your Petitioner most humbly intreats your Royal Highness, out of your princely Justice and compassion, for an unfortunate man, already unhappy enough from his consciousness of the crime he is justly condemned for, to entertain no such sentiments of him as would aggravate the odium of his memory, and add to the guilt of his publick offence, by private injuries in the conduct of it. And that
your

your Royal Highness would be pleased to inform yourself of the truth of what is above humbly represented, from those who may best know, and if it shall appear, or be presumeable that your Royal Highness's information has not been well grounded, or that any mistake of names has been the cause of it ; let no more be imputed to the Petitioner than he justly deserves. Let not his character suffer for the faults of others ; and cruelty and inhumanity, without ground be added to his Publick crime of Rebellion.

And if your Royal Highness shall, upon farther examination, find reason to believe your Petitioner innocent of these malicious and detestable Sentiments, he humbly begs leave to implore your Royal Highness's intercession with his Majesty in his behalf, for a life which always has been, till this unhappy interruption, and shall, in all that may remain of it, be spent in the service of his Majesty, your Royal Highness, and your august House ; and in the most fervent prayers for the happiness and Prosperity of your illustrious Family.

Extract of the late Earl of *Kilmarnock's* Letter
to his Son Lord *Boyd*.

Dated, Tower 17 Aug. 1746.

Dear BOYD,

I Must take this Way to bid you farewell, and I pray God may for ever bless you and guide you in this World, and bring you to a happy Immortality in the World to come. I must likewise give you my last Advice. Seek God in your Youth, and when you are old he will not depart from you. Be at Pains to acquire good Habits

Habits now, that they may grow up and become strong in you. Love Mankind, and do Justice to all Men. Do good to as many as you can, and neither shut your Ears nor your Purse to those in Distress whom it is in your Power to relieve. Believe me you will find more Joy in one Beneficent Action, and in your cool Mornings you will be more happy with the Reflection of having made any one Person so, who without your Assistance would have been miserable, than in the Enjoyments of all the Pleasures of Sense (which pass in the using) and of all the Pumps and gaudy Show of the World. Live within your Circumstances, by which Means you will have it in your Power to do good to others. Above all Things, continue in your Loyalty to his present Majesty and the Succession to the Crown, as by Law established. Look on that as the Basis of the civil and religious Liberty and Property of every Individual in the Nation, Prefer the Publick Interest to your own, wherever they interfere. Love your Family and your Children, when you have any; but never let Your Regard for them drive You on the Rock I split upon, when on that Account I departed from my Principles, and brought the Guilt of Rebellion and civil and particular Desolation on my Head, for which I am now under the Sentence justly due to my Crime. Use all Your Interest to get Your Brother pardoned and brought home as soon as possible, that his Circumstances, and bad Influence of those he is among, may not induce him to accept of foreign Service, and lose him both to his Country and his Family. If Money can be found to support him, I wish you would advise him to go to *Geneva*, where his Principles of Religion and Liberty will be confirmed; and where he may stay till You see if a Pardon can be procured him. As soon as Commodore *Barnet* comes home, enquire for Brother *Billie*, and take Care of him on my Account. I must again recommend Your unhappy Mother to you. Comfort her, and take all the Care You can of Your Brothers: And may God of his infinite Mercy preserve, guide, and conduct You and them through all the Vicissitudes of this Life, and after it bring You to the Habitations of the just and make You happy in the Enjoyment of himself to all Eternity.



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Account of the BEHAVIOUR of WILLIAM
late Earl of Kilmarnock, &c.

TH E first access, I had to the late unhappy Lord *Kilmarnock*, was on *Thursday* the seventh instant in the evening, very soon after the order for my admittance was brought to General *Williamson*. And I well remember, that I introduced my *serious* discourses with him in words to this Effect--That being desired to assist him, in his preparation for the important and awful scene that was before him, I could not decline, however it might shock my nature, such a necessary act of *humanity*; that within the *scope* and *limits* of my Character, I readily devoted my utmost services to him: But that it would be absolutely *indecent* in me, to attempt to meddle with the *civil* part of the affair between the Government and him unless I was *properly* called upon; and then I would fairly and impartially declare the truth --- That I took it for granted, from his Lordship's sending for me, that he would allow me to deal *freely* with him, and did not expect to be *flattered*, nor to have the malignity of his crimes *disguised* or *softened*: For it was my opinion, that the wound of his mind occasioned by his publick and private vices, must be probed and searched to the bottom, before it could be capable of receiving any remedy; and that if he disapproved of this method, I thought I could be of no service to him, and desired to be excused from any further attendance.

His Lordship allowed That it would be unbecoming in me to interfere in things remote from my Office; that he did not expect, nor urge, any thing I thought inconsistent with it; that simplicity
and

and freedom of speech were the only things that could do him good; and that it was now no time to prevaricate with me, and play the hypocrite with God, before whose tribunal he might so shortly appear.

After this general introduction, I thought the next step necessary to be taken, in order to awaken him thoroughly to a due sense of his guilt, was to persuade him to look upon himself as a criminal, whose sentence of death was scarce more just, than the execution of it was inevitable. Self-preservation, and the love of life (it was obvious) were not only strong principles in human nature, but, to one in his circumstances, very insinuating and dangerous principles. I therefore pressed him earnestly Not to suffer himself to be misled by vain and deluding hopes.

I told him, that by what I could collect, from the general sense of the people and the Public call for justice, there was no probability of his obtaining a reprieve; and that while his mind was suspended between hope and fear, it must be proportionably distracted; and, of consequence, unable to recollect and exert its whole strength and force in such a manner, as was necessary to produce in him that deep contrition, and bitter remorse, for his heinous and aggravated crimes, and that true temper of penitence, which alone could recommend him to the Divine Mercy. To this he replied --- That indeed when he consulted his reason, and argued calmly with himself, he could see no probable ground on which to expect mercy; but still the hope of life would often intrude itself. And he was afraid, that this might be attended with another ill consequence besides what I had mentioned, *viz.* That when the warrant for his execution came down, he should not only have the terror of the sentence to conflict with, but also the disappointment of his too fond and flattering hope. He therefore assured me, that he endeavoured, to the utmost of his power, to repel it; and that the main bent of his thoughts was towards the infinitely more momentous concern of perfecting his repentance, and preparing for death and eternity.

As to the great crime of his rebellion, for which he had merited
and

and justly received the sentence of death, he expressed himself without the least hesitation or reserve. He assured me, 'That in the hours of his confinement and solitude, he he had felt it lye as a severe and heavy load upon his soul; and particularly upon these two accounts, which were peculiar aggravations of his guilt: That he had been a rebel against his conscience and inward principles; and in violation of his oath solemnly and often repeated.

To this I replied, 'That indeed the breach of his oath, one of the most sacred of all religious and social ties, and acting in direct repugnance to those revolution principles which he had formerly professed, and from which in sentiment, he never swerved were high aggravations of his wickedness, and should strike his mind with the deepest remorse and horror: But that he ought to extend his reflections farther, in order to take in the whole compass of his guilt with all its dreadful circumstances; that so foul a crime could not be sincerely repented of without the bitterest contrition, and humiliation of soul; in order to which, a full view of its malignity, both in its nature and consequences, was absolutely, necessary. I therefore represented to him, 'that the rebellion in which he had rashly engaged, was entirely unprovoked and ungrateful, and of consequence, most unjust and unnatural; that the King's right to the crown was, even in his Lordship's own opinion incontestable, and his government had ever been mild and gracious; and that, in the same period of time, the subject had never enjoy'd since the conquest, that is for near 700 Years, such a course of uninterrupted and uncontrouled liberty, as since the accession of the present Royal Family to the Throne. I told him farther, 'that, by joining the rebels, he had not only attack'd the personal rights of the King and his illustrious house, but endeavour'd to destroy the national happiness, and frustrate the hopes of posterity; that he had been instrumental in diffusing consternation and terror through the land, obstructing commerce, giving a shock to the publick credit, in the depredation and ruin of his country; and ought to consider himself as an accessory to innumerable private oppressions and murders.' His Lordship added, with a sensible concern, Yea, and murders of the innocent too!

The whole of this charge he readily admitted, and frequently with tears, and offering up short fervent petitions to God for mercy.

But when I mentioned to him the consequences of the rebellion: that its natural tendency was to the utter subversion of our excellent free constitution, to extirpate our holy religion, and introduce the monstrous superstitions and cruelties of popery, and the unbounded mischiefs of arbitrary power; -- Here he at first hesitated and did not seem to have to clear a conviction, as I thought was necessary to render his repentance compleat. He said, 'he had consider'd this as a thing possible, or, at most, as a remotely probable consequence, but had not looked upon it as so closely connected with the success of the rebellion, as was generally imagined. That, as far as he could learn from all the conversations he had with the Pretender's Son, and all the knowledge he could gain of his sentiments, he was not a Person that had a Real concern for any outward Profession of religion; he thought therefore, that to introduce popery, he would not run the risque of defeating his main design; that the experience, which his pretended family had had of the ill effects of making any Violent attacks upon the constitution and liberties of this Country, would make him cautious and deliberate; or hoped, that the generous invincible spirit of British liberty would render all such attempts unsuccessful; For that he himself was never in the utmost heat of his rebellion, a well-wisher to tyrannical power and popery, which Last he could never embrace, without entirely renouncing his understanding as a man.

To this I answered, *That I was sorry to find his Lordship had been imposed upon by such Vain and Fallacious reasoning; that if what he had said of the Son was really true, yet the father, whose spurious claim he came to assert, was, by all accounts, an inflexible biggot to the Romish superstition; that it could not be imagin'd, but that the young Pretender also having been chiefly educated at Rome, thought himself under the strongest obligations to promote the same cause; that the manifesto he had publish'd was in the same strain with the declaration of King James II, viz. that he intended to allow to All his Subjects, free liberty of conscience which the Protestant people of England plainly saw, was intended to open*
popish

popish mass-houses, and under the colour of this indulgence, to bring in a swarm of priests to corrupt and poison the land; that, without doubt, the courts of France and Spain would never have attempted to support this Usurpation, without having directly stipulated in favour of Popery, and for the extirpation of the protestant religion, the great support of British liberty that if through the pusillanimity and consternation of the people, (who, by collecting the 50th part of their force, were able to have trampled down the rebels under their feet, and to have extinguished every spark of this unnatural conspiracy) they should have come into possession of Present power; yet it could not be imagined, but that the King (who was a great prince in virtue of his foreign dominions, and who would be supported by the Protestant states of Europe, and, in all probability by the house of Austria too, in order to preserve a just balance, and restrain the exorbitant power of France must make long and vigorous efforts to recover his Legal right; that the pretender's government could therefore never be established, without a French standing army to insult and awe the nation: Which would only be granted upon condition of our making a Hasty and inglorious peace betraying the most important and valuable parts of our commerce, and seems to render the sacrifice of our Religion and liberties not only highly Probable, but absolutely inevitable. This is the substance of our conversations upon this head; in the close of which he declared, 'That he saw these consequences in a quite different light from what they had ever appeared to him in before, and sincerely lamented his having any hand in entailing such evils upon his country.' And when I told him, 'That I supposed he had never allowed himself to enter deeply and seriously into the subject,' he said, 'That in truth, he was not very fond of thinking much about it, but rather inclined to flatter and delude himself.'

When I asked him, 'what could be his motive to engage thus in the rebellion against his conscience, in defiance of God, and in violation of sacred oaths and, consequently, in contempt of all laws divine and human, all ties of justice and honour.' He answered, 'That the true root of all was his careless and dissolute life, by which he had reduced himself to great and perplexing difficulties; that the exigency of his affairs was in particular very pressing at the time of the rebellion; and that beside the general hope he had of mending his fortune by the success of it, he was also tempted by another prospect of retrieving his circumstances, if he follow'd the pretender's standard.'

His love of vanity, and addictedness to impurity and sensual pleasure (he said) had not only brought pollution and guilt upon his Soul, but debased his reason, and, for a Time, suspended the exercise of his social affections which were by nature strong in him and, in particular the love of his Country : So that his Rebellion was a kind of desperate scheme, proceeding originally from his vices, to extricate himself from the distress of his Circumstances. I told him, 'that I hoped he was ready to acknowledge the Wisdom of Providence, in so settling the Train and order of Things in the mortal World, as that of a Life of levity and extravagance, naturally led to other the most fatal Extreams.' And this persuasion would make him Humble in his present condition, and thoroughly resigned to the will of heaven.' He himself went further than this, and said, 'That it was not only a wise and Righteous, but might, to him, be a Good and merciful Providence; that he had often acknowledged it to God as an unspeakable mercy to his Soul, that he did not fall at the Battle of *Culloden*, quite unreflecting and impotent; that if the Rebellion had been successful he should have gone on increasing his Guilt, and have had many more oppressions and Murders to account for before God; and that it was most likely, that he would have continued to pursue his old course of Guilt and infamy, without ever recollecting himself, or entertaining any Serious thought of Repentance. He said, that he was constantly endeavouring to work himself to greater penitence, and a more compleat temper of resignation, as well knowing that from thence alone his comfort and rational calmness of Mind could Spring; and that he had often made use of these words of Christ, *Father, if it be possible, let this Cup pass from me: Nevertheless not as I will, but as thou wilt*-- but had sometimes been check'd by this thought, that it was a mixture of Prophaness with piety, for him who had been so great a Sinner, and deserved Death, to address himself to God in the same language, with his blessed Saviour, which was perfectly innocent.

Besides impressing upon his Mind a deep sense of his Publick guilt, I urged him to a sincere recollection of all his more private vices. That he should not endeavour to excuse and palliate, but represent them to his Mind with all their aggravations; that the
great

great business of the short Time of Life, which seemed at present to be allotted to him, should be, to soften and humble his Soul, and to make his sorrow and repentance for his Sins more deep and lively, and acquire a disposition of Mind, alienated as much as possible from the love and relish of his former impurities; that without this he could have nothing to Recommend him to God's mercy, nor any well grounded hope of it; and it would be impossible for him to Enjoy the spiritual and sublime happiness of Heaven, even if he supposed that he might be admitted to reside in heaven; that the most effectual method he could take to get a strong detestation of, and aversion to, sin, was to reflect frequently on the malignity, deformity, and horror of it in itself, as a stain to his reason, and the most ignominious depression of his Nature, as perverting that wise and beautiful order which God had established in the Creation, and destroying that perfection and happiness among reasonable Beings, for which he originally formed them; as a contrariety to his pure and spotless excellence, an affront to his supreme authority, a contempt of all his promises of mercy to the penitent, and ingratitude against the best of Beings, to whom he was under the highest obligations, and whose goodness is unmeasurable and infinite.

These motives of ingenuity, I represented to him as the only sources of a genuine contrition and repentance, and not the gloomy prospect of a violent Death here, nor even the fear of a more terrible punishment hereafter. I exhorted him to let these considerations be, as far as was possible, always before him: For, that according to the Evidence he had of his deep and unfeigned penitence, and in Proportion to that alone, could he have any solid expectation or hope of a Pardon.

I observed to him, that among the Vices, which he had been guilty of by his own Confession, was the Sin of Impurity: Upon this head, therefore, I desired him to take particular care to examine and purge himself, as a vice which, of all others, more immediately defiled the Mind, and rendered it averse to other Offices of Virtue and Piety; and to consider, that some Impurities were of a much more malignant and heinous Nature than others, grosser violations of our Neigh-

Neighbours right, and vastly more injurious in their consequences.' The result of our Conversations on this Subject, at different Times, was this, that he found himself, as he told me, 'more and more weaned from the Love of Sensual Pleasures, and hoped that his Remorse, on account of his past irregularities, proceeded from an inward detestation of them: and a sense of gratitude and Duty to God.'

He desired me to administer the Sacrament of the Lord's Supper to him, which at first I Declined, without absolutely refusing it. And my reason was this, that I chose not to do it till I had authority from General *Williamson* to tell him, *that there remained no hope of his Life.* Then I thought I should have clearer evidence, if he still continued in the same Ingenious temper, that his confessions and repentance were Sincere; and I consented at last only upon this condition, that he would allow Mr. *Fowler* the gentleman Goaler of the Tower, to be present, and renew his acknowledgments before him. To this he made no objection; and the questions which I proposed to him, together with his answers, were in substances as follows.

Do you acknowledge, with deep penitence and contrition, the guilt of the late unprovoked unnatural and wicked Rebellion in which you engaged the share you had, by being involved in it, in the oppressions and murders of your fellow subjects, and the desolation and spoil of your native country; your great guilt in rebelling against your just and lawful King, and against a mild and gracious Government? I do;

Are you ready to declare, that it is your steadfast resolution to persist in this humble confession to the last, and to pray for the prosperity of King GEORGE, the establishment of his royal house, and the welfare and peace of your country, with your dying breath? I Ready declare this to be my steady purpose.

Do you also, with shame and humiliation before God, acknowledge the irregularities and excesses of your private life; and will you endeavour to form your mind to a deeper and deeper repentance for both your publick and more personal crimes? This is my resolution, which I will adhere to by the help of God.

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Be pleased to declare, that you expect no benefit at all from receiving the sacrament if your remorse and penitence be not sincere. I do not think, that it will be of any service to me.

I desire, in the last place, that you will also declare, what of your own accord you have mentioned to me before---That you consider yourself, in this act of receiving the sacrament under your present critical and melancholly circumstances, as making an implicit appeal to God, that you expect no mercy from him, if your confessions are feigned and hypocritical; and that you look upon the death of Christ (which you are now solemnly to commemorate as a ratification of God's covenant of mercy to unfeigned humble penitents and to them alone) as both a strong encouragement and motive to you, to endeavour to strengthen and perfect your repentance. I consider the whole of this in the light, in which it has now been represented.

I shall only add under this head, that all the confessions of this unfortunate Lord appear'd to me to be free and ingenuous: He never scrupled the questions that were asked him, nor took the least time to mediate and prepare an answer. His confessions, likewise, were perfectly consistent and uniform, and never varied as to the general substance; and in no other circumstance than this, which will be thought perhaps to redound to his honour, that he continued to the last recollecting and searching himself, and declaring particular incidents as they occurred to him, which tended, upon the whole, not to the extenuation, but to the Heightening of his crime. And a few days before his death he said, that he thought he should rather prefer the speedy execution of the sentence, which was justly passed upon him, than a longer continuance in life, if he was sure that he should be again entangled by the snares and temptations to which he had formerly yielded: What would really be the Event, if he was let loose among the gaities and pleasures of life, he did not certainly know, and somewhat dreaded; but in the declaration he had made, he thought he found himself clear.

Heavy charges of inhumanity and cruelty, I told him, were spread among

among the people concerning him; and by many believed. I desired him therefore to be honest and free in clearing his conscience of such a load of most unnatural guilt, by answering to the following interrogations, which included in them the Substance of these charges. And I here subjoin, for the perusal of the publick, the questions, as I proposed, and have now transcribed them from a paper written before I went to the Tower, and his distinct reply to each.

Was your Lordship present in the Pretender's council at *Inverness* or any other place, before the battle of *Culloden*, where it was proposed to destroy the Prisoners taken by the rebels?

I can most sincerely and freely answer, No.

Was you ever present in council where this was proposed; No.

Did you ever move for such an order? No.

Did you ever sign such an order; No.

Did you ever carry an order of this kind to the French general *Stapleton*? Did you ever, in his presence, approve of such an order? Did you at any time, hearing it had been communicated to him, encourage and excite him to the execution of it? To all which he answer'd in the same manner, No.

Did you ever know, or hear, that such a thing or an order to give no quarter, was debated or agreed to, or signed in the rebel army, till you was taken by the King's forces and a Prisoner at *Inverness*? Or do you know yourself guilty of any cruelties, by you authorized or committed, against the Kings soldiers or subjects taken Prisoners by the Rebels; The answer to both these questions was the same as Before.

As to what passed in the Church of St. Ninians, he told me that he knew nothing at all of it till, upon the retreat of the rebel army, he was at some distance from *Stirling*, where he had been confined to

to his bed by a fever ; that the first notice he had of it, was the noise of blowing up the church, of which he could never get any but an indistinct and confused account ; that it was represented by the rebels as accidental ; but concerning this he could certainly say nothing only as to himself he solemnly declared that he had no knowledge before-hand of, nor any concurrence in a design'd act of cruelty. I told him however that he was charged with an Instance of barbarity to the Prisoners confin'd in the church at *Inverness*. And the account which he gave of the fact, is as follows---That their were orders issued by the Pretender's son, to strip them of their cloathing, for the use of some of the highland rebels ; that the warrant for executing this order was sent to him ; that he did not enter the church in person, but committed the execution of it to an inferior officer ; that the Prisoners, at first refused to submit, upon which there was a second order and their cloaths were taken from them ; but that in the Mean time, the person, stiled the *French* ambassador represented to him, that this was an outrage which he thought scarce justifiable by the law of nations, and the rules of war ; he therefore, while the cloaths lay in heaps, with proper centinels over them, in the streets of *Inverness*, went up to the Pretender's son, and represented the matter in the light in which the *French* ambassador had stated it, and according to what were his own sentiments likewise ; upon which, as it was feared that such usage might make an ill impression upon the minds of the people, the cloaths were again restor'd and this he averred to me, was the whole of the truth, as far as it ever fell under his knowledge.

For myself, I must do this unhappy criminal the justice to own, that he never appeared, during the course of my attendance upon him, to be of any other than a soft benevolent disposition. His behaviour was always remarkably mild and Temperate. I could discern no resentment, no disturbance or agitation in him. This indeed I feared (as persons in his melancholy circumstances are generally apt to think, that they ought to have the preference in cases of reprieve or pardon) When I was first informed of Lord *Cromartie's* reprieve : and therefore in the morning before I waited on him, I

prepared myself to quiet and mollify his mind. But one of the first things he said to me was, that he was extremely glad that the King's mercy had been shown to Lord *Cromartie*. My Lord, says I, I hope you do not think you have any injustice done to You? His answer was, Not the least: I have pleaded guilty, I entirely acquiesce in the justice of my sentence, and if mercy be extended to another, I can have no reason to complain when nothing but justice is done to me. I do not believe that my not being reprieved is owing to any defect of clemency in the King, who by all the accounts, I ever receiv'd, is a very merciful prince; nor that it Springs from any particular resentment or prejudice against me, either in his Majesty, or in the Duke; but from some distinction, that they thought there was in the circumstances of Lord *Cromartie's* guilt and mine, or else from the publick demand for justice, which made it unfit that two out of three should be reprieved. From this way of thinking and discoursing, he never, to my knowledge, varied to the last.

I must add here another, and I think, a great and unquestionable instance of Lord *Kilmarnock's* ingenuity. He had been charged, and he imagined without a just foundation, with having uttered a falsehood, when he said in his Speech at the Bar of the House of Lords, that it was very easy for him to have escaped. This he still thought was true upon the rebel army's first giving way, as the greatest part of that Body actually did escape, with whom he was joined. But after he had separated himself from them, and was advanced any considerable way towards the King's troops, he believed that his escape was not practicable. But tho' he hop'd that this would clear him from the imputation of having wilfully prevaricated in the instance already mentioned; yet he owned, that in another induced by the love and strong desire of life, he had grossly falsified. The case, as he represented it to me, was thus--He had asserted in his speech, that tho' he could have escaped, he did not chose it, because the consequences, in an instant, appeared to him more terrible, more shocking than the most painful or ignominious death: And therefore he chose to surrender and commit himself to the King's mercy, rather than to throw himself into the hands of a foreign power, the natural enemy to his country; with whom to have merit, he must
persist

persist in continued acts of violence to his principles, and of treason and rebellion against his King and country : But the real truth was 'That he had no intention at all to surrender, and that his only view was to facilitate his escape ; for that he thought the Body towards which he advanced, were not the King's, but *Fitz-James's* Horse and that if he could reach them, by mounting behind one of the dragoons, his escape would have been more certain, then as he was then on Foot, it appeared to him in his present situation to be ; tho' he did not find his strength or spirits in any considerable degree impaired. This he thought, as it related to his inward intention only could not be discovered but by his own confession, nor known to any but God and his own conscience. But he was willing to unburden his soul, and purge it of its most secret guilt ; and therefore pressed it upon me in a particular manner, and especially on the very day before he was executed, 'Not to forget to publish to the world this circumstance, because as he had solemnly uttered, before so august an assembly as the House of Lords, a direct and known untruth, he thought, if he should dye without a retraction of it, and a publick acknowledgment of his offence, he must be considered as one, who presumed to appear before the Tribunal of God with a lye in his mouth. And here I cannot help thinging myself bound, in justice to Lady *Kilmarnock*, to declare (and it is most proper to do it in this Place, because it will probably find more credit, after such a striking instance of the late Lord *Kilmarnock's* conscientious regard to truth) that, he said to me, tho' she was bred in different sentiments that he thought her now more inclined to whiggish than jacobite principles. And the Reverend and Honourable Mr. *Home*, and Mr. *Ross* his Lordship's solicitor, desired me to inform the world of another thing, which he had expressly mentioned to them, viz. that instead of exciting him to, she had dissuaded him from entering into the late wicked and horrid rebellion.

As the publick will, in all Probability, be curious to know what were Lord *Kilmarnock's* sentiments concerning Death, and the particular kind of Death, which he expected, in pursuance of his sentence, would be inflicted on him : I shall relate the Substance, of

the discourses, that passed between us upon these great, and to the generality of the world, most terrifying subjects.

On Monday, the 11th instant, General Williamson desired me in the gentlest terms I could use, to let him know that he had received the order for his and Lord *Balmerino's* execution. I at first declined, this ungrateful Office. and told him, that I was so shocked at it, that I could not think of delivering the message myself, but would endeavour to prepare the unfortunate Lord, by divesting him as far as I could of all hope of life, for his informing him of it when he came to discharge me from my attendance. And indeed to suppress all glimmering of such hope was the main drift and bent of my discourse; and I intended to go no farther: but finding him in a resigned and calm temper, I told him, as the General was coming up, that he would see the vast importance, nay the absolute necessity, of attending seriously to what I had been saying about his diligent and constant preparation for Death, by what as I apprehended, he would soon hear. He immediately asked me, whether the warrant for his execution was come down; I told him it was, and that the day fixed was the Monday following. And as, upon this the General immediately entered the room, I acquainted him, that Lord *Kilmarnock* knew already what he intended to inform him of; that he was therefore at present under no necessity of saying any thing further about it; because the once relating such a melancholy circumstance was fully sufficient.

Lord *Kilmarnock* received this news with the outward behaviour of a man, that knew and felt the importance of the scene of death but without any marks of disorder, without any unbecoming anxiousness or terror. And to establish and support him in his present quiescent state of mind, I told him, That all mankind were really under sentence of Death, tho' they knew not the manner or precise time, when it would be executed; it might be to any one, as soon, or sooner than his own; that they not expecting it, nor having such timely and certain notice of it might die wholly unguarded and unprepared; while he had warning and the most awakening motives to fit himself in the best manner possible for this grand and decisive

decisive event : He said, ' That he had never been a libertine in Principle, during all the time that he was most inconsiderate and licentious in his conduct ; that he had always firmly believed the great truths of God's being and Providence, and a future state of rewards and punishments for virtue and vice ; and that he had not been involved in the fashionable scepticism of the times, with respect to christianity ; that he was therefore naturally concerned, and chiefly concern'd about the consequences of death, in comparison of which he Thought the thing itself a trifle ; that as to the particular manner of his death, he thought he had no great reason to be terrified, for that the stroke appeared to be scarce so much as the pain of drawing a tooth, or the first shock of the cold-bath upon a weak and fearful temper. And when General *Williamson*, upon the *Saturday* preceeding his Execution, gave him a minute detail of all the circumstances of solemnity and outward terror that would accompany it, he heard it with as much show of composure, as a man of a tender compassionate spirit would read the account of it, in an instance where he was not personally concerned. He was told, ' That on *Monday*, about ten in the Morning the sheriffs would come to demand the Prisoners, who would be delivered to them at the gate of the *Tower* ; that from thence, If their Lordships thought proper, they should walk on foot to the house appointed on *Tower-Hill* for their reception, where the rooms would be hung with black to make the more decent and solemn appearance, and that the scaffold also would be covered with black cloth ; that his Lordship might repose and prepare himself, in the room fitted up for him, as long as he thought it convenient, remembring only, that the warrant for the execution was limited, to and consequently expired at one o'clock ; that because of a complaint made by the Lord *Kilmarnock*, that the Block was too low, it was ordered to be raised to the height of two foot ; that it might be the more firmly fixed, props would be placed directly under it, that the certainty or decency of the execution, may not be obstructed by any concussion, or sudden jerk of the body.' All this Lord *Kilmarnock*, without the least visible emotion, expressed his satisfaction in : But when the General told him, that two mourning hearfes would be provided, and placed close by the Scaffold, that when the head was struck off, the coffins might

might soon be taken out to receive the bodies; he said that he thought it would be better for the coffin to be upon the scaffold, for by that means the bodies would be still sooner removed out of sight. And being further informed, that an executioner was provided that would Perform his work dextrously, and that he was a very good sort of man, my Lord answered, 'General, this is one of the worst circumstances that you could have mentioned; I can't thoroughly, like, for such business, your good sort of men: For one of that character, I apprehend, must be a tenderhearted and compassionate man, and a rougher and less sensible temper, might perhaps be fitter to be employed.

After this, Lord *Kilmarnock* desired, 'That four persons might be appointed to receive the head, when it was severed from the Body, in a red cloth, that it might not, as he had been informed was the case in some former executions roll about the scaffold, and be thereby mangled and disfigured: For that though this was, in comparison, but a small circumstance, he was not willing that his body should appear with any unnecessary indecency, after the Just sentence of the law was satisfied. I could not perceive, but that he talked of all these particulars with ease and freedom, though the relation of them, I remember, made me tremble; chiefly because I feared that they would produce in him some perturbation and distress of mind. It is proper for me to add, that when he was told his head would be held up to the multitude and publick proclamation made that this was the head of a traitor; he replied that this he knew to be usual on all such occasions, and spake of it as a thing that was of no significancy in the affair at all, and did not in the least affect him: And I never heard, either before or after he was delivered into the custody of the sheriffs, that he intimated the least concern to have this part of the dismal ceremony dispensed with.

All Lord *Kilmarnock's* friends who attended him in his last moments, are ready to concur with me in making the same declaration that we never expected it would have been, and wondered it was omitted.---After the conversation above mentioned between Lord *Kilmarnock* and General *Williamson*, I thought it proper to advise him

him, to think frequently on the outward apparatus and formalities that would attend his death ; that these circumstances, striking to sense, might impress his mind with horror, and disarm him of part of his resolution, if he was not by reflection thoroughly prepared for the scene ; but that if they were habituated to the mind, they would in a great measure lose their influence, and be considered as no more than the appendages of a subject vastly more great, and worthy his contemplation. And he declared, on the morning of his execution, ' that he had taken this method with himself, and hoped that these things would discompose him but little, nor create any weakness or indecency in his Behaviour.

He allowed, with me, ' that they were nothing so terrible in themselves as the dying after a dispiriting and lingering distemper, in a silent melancholy darkened room, with languid and exhausted spirits; and his Friends standing round him, with lively marks of sorrow and anguish in their countenances, expecting and deploring his fate.



P A P E R delivered by the late Earl of *Kilmarnock* to Mr. *Foster*, Sunday 17th August 1746.

AS it would be a vain Attempt in me to speak distinctly to that great Concourse of People, who will probably be present at my Execution I chuse to leave this behind me, as my last solemn Declaration, appealing, for my Integrity to God, who knows my Heart.

I bleſs God, I have little Fear of temporal Death, though attended, with many outward Circumstances of Terror : The greatest Sting I feel in Death is, that I have deserved it.

Lord Balmerino, my Fellow-Sufferer, to do him Justice, dies in a professed Adherence to the mistaken Principles he had imbibed from his Cradle. But I engaged in the Rebellion in Opposition to my own Principles, and to those of my Family, in Contradiction to the whole Tenor of my Con-

duct, till within these few Months that I was wickedly induced, to renounce my Allegiance, which ever before I had preserved and held inviolable. I am in little Pain for the Reflections which the inconsiderate or prejudic'd Part of my Countrymen (if there are any such whom my suffering the just Sentence of the Law has not mollified) may cast upon me for this Confession. The Wiser or more ignominious will I hope, approve my Conduct, and allow with me That, next to doing Right is, to have the Courage and Integrity to own, that I have done Wrong.

Groundless Accusations of Cruelty have been raised and propagated concerning me, and Charges spread among the People, of my having solicited, for, nay actually signed Orders of general savage Destruction, seldom issued among the most barbarous Nations, and which my Soul abhors. And that the general Temper of my Mind was ever averse from, and shock'd at gross Instances of Inhumanity, I appeal to all my Friends and Acquaintance who have known me most intimately and even to those Prisoners of the Kings Troops to whom I had Access, and whom I ever had it in my Power to relieve; I appeal in particular, for my Justification, as to this justly detested and horrid Crime of Cruelty, to Captain Master of Ross, Cap. Lieutenant Rixon, and Lieutenant George Cuming of Alter.

These Gentlemen will, I am persuaded, as far as relates to themselves, and as far as has fallen within their Knowledge or credible Information, do me Justice; and then surely my Countrymen, will not load a Person, already too guilty and unfortunate, with undeserved Infamy, which may not only fix itself on his own Character, but reflect Dishonour on his Family.

I have no more to say, but that I am persuaded, if Reasons of State, and the Demands of Publick Justice had permitted his Majesty to follow the Dictates of his own Royal Heart, my Sentence might have been mitigated. Had it pleased God to prolong my Life, the Remainder of it should have been faithfully employed in the Service of my justly Offended Sovereign, and in constant Endeavours to wipe away the very Remembrance of my Crime.

I Now with my dying Breath beseech Almighty God, to bless my only rightful Sovereign King George, and preserve him from the Attempts of Publick and private Enemies. May his Majesty, and his illustrious Descendants be so guided by the Divine Providence, as ever to govern with that Wisdom and that Care for the Publick Good, as will preserve to them the Love of their Subjects, and secure their Right to reign over a free and happy People to the latest Posterity.



On the Day of EXECUTION.

I Now come to the conclusion of this dismal scene, his behaviour on the day of his execution. I attended him in the morning about eight o'clock, and found him in a most calm and happy temper, without any disturbance or confusion in his mind, and with apparent marks of ease and serenity in his Aspect. And that the world may the better judge of the propriety of his behaviour from that Time to the time of his death, I shall first declare what his professed sentiments were concerning himself, and the manner in which he chose to die; and then briefly point out what, in my opinion, was the utmost decency of conduct in one in his circumstances under the Impression of such sentiments and principles.

I had observed to him that to affect to brave death, when he justly suffered for his crimes, could have no shew of a true decorum in it, and that to manifest no concern at all, where the Consequence was so awful, and the stake infinite, was in some degree unbecoming.

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even in the best of men ; that not to fear at all, where there was great reason to fear, was altogether as absurd, as to be extremely dejected and pusillanimous where there was ground of hope ; and that true penitence was always humble and cautious, and not bold and arrogant.

He assented to all this and told me further, That for a man who had led a dissolute life, and yet believed the consequences of death, to put on such an air of daringness, and absolute intrepidity, must argue him either to be very stupid or very impious. He also told me, that, though he intirely acquiesced in the Justice of his sentence, and thought it his duty wholly to resign himself to the wise and equal disposals of providence, he had still this clog upon his mind, that he could not be sure his repentance was sincere, because it had never been tried.

I answered him, that if he aimed at certainty in this grand point he might unnecessarily perplex and distress his mind ; because, for the very reason which he had assigned, *i. e.* for want of proper opportunities to try and prove the truth of their repentance, such a certainty was not attainable by any persons in his condition : I advised him therefore to search seriously and strictly into himself, not suffering himself to be amused and imposed upon in an affair of such infinite importance ; and if he found, after making this inquiry that he had more ground to hope that his repentance was sincere, than he had to fear that it was insincere, the consequence would be that he must, upon the whole, have more reason to hope than fear : And this in my opinion, was the highest pitch, to which I could attempt to raise him.

Let us see now, what kind of behaviour was most just and decent in a person, who, upon this foundation, professed himself to have a preponderance of hope but mixed with diffidence and fear, It must surely be resigned, but awful ; free from an extreme of dejectedness, but not eager and rapid to meet death. Such a considerate calm humility, and tenderness of spirit, would be the only fit behaviour, after having made the professions above mentioned, in one that
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was but personating a feigned character: The contrary would be condemned in a mere fictitious representation, and therefore cannot be approv'd in the real scene, of death.

And this, which I have shewn was the only decent, was, in fact, the true deportment of Lord *Kilmarnock*. He continued all the morning of his execution in the same uniform temper, unruffled, and without any sudden vicissitudes and starts of passion. This remarkably appeared, when soon after I had, at his own desire, made a short prayer with him, General Williamson came to inform him that the Sheriffs waited for the prisoners: For, at receiving this awful summons to go to death he was not in the least startled, but said, (calmly and gracefully), General, I am ready; I'll follow you. At the foot of the first stairs he met and embraced Lord *Balmerino* who greatly said to him, My Lord, I am heartily sorry to have your company in this expedition. (These particular words I myself did not hear, but was informed of them by Mr. Jameson) From thence he walked with the usual formalities to the tower-gate, and after being delivered into the custody of the Sheriffs to the house provided on tower-Hill, with a serenity, mildness, and dignity, that greatly surprised and affected the spectators. And as one of the things that passed there, most worthy the Publick notice, was the short interview he had with Lord *Balmerino*: I shall relate the whole substance of their conversation, to the best of my remembrance, without addition or diminution; and as far as I can possibly recollect, in the very words themselves.

B. My Lord, I beg leave to ask your Lordship one question.

K. To any question, my Lord, that you shall now think it proper to ask, I believe, I shall see no reason to decline, giving an answer.

B. Why then, my Lord, did you ever see or know of any order signed by the Prince, (meaning the Pretender's son) to give no quarter at the battle of *Culloden*.

K. No, my Lord.

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B. Nor I neither : And therefore it seems to be an invention to justify their own murder, or murderous scheme. (one of the two expressions, I am certain, was made use of.)

K. No, my Lord. I do not think that this inference can be drawn from it; because, while I was a prisoner at *Inverness*, I was informed by several Officers, that there was such an order, signed *George Murray*; and that it was in the Duke's custody.

Lord *George Murray*! reply'd Lord *Balmerino*, why then, they should not charge it upon the Prince. After this he took his leave, embracing Lord *Kilmarnock* with the same kind of noble and generous compliment as he had used before, but in words some what different: My dear Lord *Kilmarnock*, I am only sorry, that I cannot pay all this reckoning alone; once more, farewell for ever. I have consulted Mr. *Home*, Mr. *Ross*, and Mr. *Jameson*, who were all present at this conference; and are ready to attest, if required, that this is a true account of it.

I then desired Lord *Kilmarnock*, that he would allow me to declare in his name to the Sheriffs, and all persons there present, the substance of the professions and acknowledgments which he had so often repeated to me; and which were more largely contained in a paper, that he had left to be published after his death: and my declaration was in words to this effect: 'Lord *Kilmarnock* acknowledges King *George*, to be the only rightful and lawful King of these realms; that he engaged in the late wicked and unnatural rebellion against his conscience; he confesses the great guilt of it with deep shame and contrition, and asks pardon, for his offence, of God, his King and Country; and declares it to be his sincere resolution to pray for the prosperity of King *George*, the establishment of his Royal House, and the peace and welfare of his country, with his dying breath.'

To this the unfortunate Lord gave his assent, and signified to the Sheriffs, that the only genuine paper that he had left behind him, was lodged with me, and committed to my care. The time being
now

now pretty far advanced(as I hinted to his Lordship by the Sheriffs desire) I told him that after having taken a few minutes to compose himself, I thought it would be proper to allow me to pray with him and then proceed to the scaffold.

After this I addressed myself to the spectators of this mournful scene, to join with me fervently in this last solemn office, and in recommending the soul of an unhappy person, who gave so many lively marks of his sincere penitence for the crime of his rebellion, to the mercy of God; with which request they all readily complied. I need add nothing more but that as Lord *Kilmarnock* had often protested, that he would, in his last moments, pray for his King and Country, towards the conclusion of my prayer for him, I offered up the following petitions to that purpose; which he had before, in the *Tower*, expressed his intire satisfaction in.

‘ And we now, from our hearts, and at the particular desire of thy servant, upon whose account especially we presume at this time to address thy throne, and offer up our united fervent prayers, that you wouldst preserve, bless, and honour our only rightful Sovereign Lord King *George*; that thou wouldst crown him with glory and renown; that in his reign there may be abundance of peace; that his royal progeny may long sit, with lustre and dignity upon the throne of these kingdoms, undisturbed by rebellions, and the tumults of seditious and violent men; and that our holy religion, and inestimable *British* liberties, may be transmitted down secure and sacred to our posterity, even to the latest generations.

After prayer was ended, Lord *Kilmarnock* took his last farewell of the gentlemen who attended him, in a very affectionate manner; and went out of the room, preceded by the Sheriffs, and accompanied by his friends, that as he was stepping into the scaffold, notwithstanding the great pains he had taken to familiarise, the outward apparatus of death to his mind, nature still recurred upon him: so that being struck, with such a variety of dreadful objects, at once, the multitude, the block, his coffin, the executioner, the instrument of death

death he turned about, and said, 'Sir. this is terrible.' This expression, so suitable to the awful occasions, must, to all who know the human heart, appear to be nothing else then the language of nature and was far from being a mark of unmanly fear; being pronounced with a steddy countenance, and firmness of voice, indications of a mind unbroken and not disconcerted.

His whole behaviour was so humble and resigned, that not only his friends, but every spectator, was deeply moved; even the Executioner burst into tears, and was obliged to use artificial spirits to support and strengthen him. After having talked with his Lordship a considerable time, to support him in his penitence and resignation, I embraced, and left him in the same calm disposition, having quitted the scaffold some minutes before his execution. And as to his behaviour afterwards, I refer to the following account in which I think, I may thoroughly confide, which was communicated to me by Mr. Jameſon, who attended him to the last.

'Spectators at a distance, not knowing the true cause why the stroke was retarded for some minutes longer than they expected, ascribed it to pusillanimity: But in reality, that delay was owing to a few trivial circumstances which might have been omitted had it not been necessary to mention them, in order to vindicate the behaviour of that noble penitent, which was uniformly conducted by the rules of just decorum; from all imputation of unmanly fear in the critical moment.---My Lord's hair having been dressed in a bag it took some time to undo it, and put it up in his cap. The tucking his shirt under the waistcoat, that it might not obstruct the blow, was the occasion of some further small delay. But as soon as these preliminaries were adjusted his Lordship gave the executioner notice what should be the signal, took out a paper containing the heads of his devotion, went forward to his last stage, and decently kneeled down at the block.

Whether it was to support himself, or as a more convenient posture for devotion, he happened to lay his hands with his head upon the Block which the executioner observing pray'd his Lordship

ship to let his hands fall down, lest they should be mangled, or break the blow. Then he was told, that the neck of his waistcoat was in the way; upon which he rose up, and with the help of one of his Friends, (Mr. Walkinshaw of Scotston) had it taken off. This done, and the neck made bare to the shoulder, he again knelt down as before. And what sufficiently shews, that he enjoyed full presence of mind to the last, Mr. Home's Servant, who held the cloath to receive the head, heard him direct the executioner, that in two minutes, he would give the signal. That dreadful interval, to his friends, who were then upon the rack, appeared much longer but those who measured found it just about two minutes. This time he spent in most fervent devotion, as appeared by the motion of his Hands, and now and then of his head, having then fixed his neck on the block. He gave the signal, his body remained without the least motion, except what was given it by the stroke of death, which he received full, and was thereby happily eased at once of all his pain?

Thus deservedly fell, tho' humble and relenting, the late Lord *Kilmarnock*, a sacrifice to the justice of his country-- And upon the whole of this dismal catastrophe, there are three reflections that naturally occur to the mind which I shall but just mention and leave to the serious consideration of those of every denomination and character, whom they may be found most nearly to concern.

The first is, that tho' this unfortunate Lord lived and died in the publick profession of the church of *Scotland*, it would be unjust to infer from thence, that the Principles of that church encourage or have the least tendency to sedition. The contrary is abundantly evident, both from her doctrine and practice; and especially from the loyal and steady behaviour of her ministers and private members during the whole course of the late impious rebellion.

And the Presbyterians in *Scotland* are cleared, beyond all contradiction, from this scandalous and base imputation, by the honourable testimony which his Royal Highness the Duke of *Cumberland* was pleased to give of their inviolable zeal for the King's person and govern-

government, and duty to their country, in his letter to the General Assembly. It is well known that the Jacobites, almost universally are dissenters from the establishment: They are a stain and dishonour both to the English and Scots churches, and their principles disavowed by both. And indeed the crime of unprovoked and lawless rebellion is branded as an object of detestation and infamy by the publick doctrine of all protestant communions.

To this I beg leave to subjoin another remark of a different kind and that is, that we can in no case, from the mere boldness and intrepidity of the sufferer, infer the goodness of his principles: For we may even suppose a man who has acted a part in all the barbarous and diabolical cruelties of the inquisition, to be supported in the hour of death quite above fear, and even to a degree of exultation, by a reflection on his ardent zeal for the suppression of heresy, and for the honour of God, tho' exerted in such instances, as the God of mercy must necessarily abhor.

The Presumptions of enthusiasm are always more forward and assuming than the confidence inspired by rational religion. Hence it sprang, that within the compass of a few years after Mahomet's death, his successors, with an inconsiderable force, over-ran the whole Grecian Empire. They courted, instead of dreading, death, under the delusion of dying Martyrs for religion, tho' in truth for a false and bloody superstition. -- Nothing can be more repugnant to common reason, nor a grosser reflection on the wisdom and justice of the Supreme Being, than to suppose, that he intended the greatest part of his reasonable creatures for slaves; and has established the lineal hereditary indefeasible right of tyrants to harass and oppress mankind. Even transubstantiation itself cannot, in my opinion, be esteemed a doctrine more absurd or impious.

Let me, in the last place, briefly address myself to persons of higher station, and rank in life, whether of noble birth, in a situation of influence and power, or placed in such affluent circumstances, as may minister temptations to luxury and excess. To them I would humbly represent, that virtue is their highest dignity, and chief security

against staining their honour, I would particularly recommend the virtues of temperance and good oeconomy, lest by giving a loose to wild ambition, or those excesses of vanity and sensual impurity, which enervate reason, and tend, by degrees, to extirpate all the social affections, they find themselves hurried on to such dreadful and fatal extremes, as they cannot now think upon without being strongly alarmed, and starting back with horror.

The last excess of social guilt is always contracted by degrees; inconsideration and luxury are the first steps to it. Of this they have before their eyes, in the present narrative, a most melancholy and moving example. Let them learn from it to retreat from danger betimes, and to recollect and guard themselves.---This is the fervent prayer of one, who is a hearty well-wisher to their true honour and felicity.

James Foster.



The following is an ACCOUNT, of both the Lords Behaviour taken down by a Gentleman who attended them at their Execution.

MONDAY, August 18, 1746. The Sheriffs of London and Middlesex having received the usual *Writes* for the Execution of the Lords *Kilmarnock* and *Balmerino* this Day, between the Hours of *Nine* and *One*; they, accompanied with the two under Sheriffs, and attended by the other proper Officers, at Ten o'Clock went in Procession to the outward Gate of the Tower, and having there received of the Deputy-Lieutenant of the Tower the Bodies of those

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Lords; they then proceeded with them on Foot to the late *Transport-Office* near the Scaffold, Mr. *Foster* and the Rev. Mr. *Hume*, accompanying my Lord *Kilmarnock*, and the *Chaplain* of the Tower, and another Minister accompanying my Lord *Balmerino*: where upon their arrival, the two Lords were conducted into seperate apartments, and their friends admitted to see them.

My Lord *Kilmarnock* spent his retirement here in a Manner suitable to his unhappy circumstances, Mr. *Foster* frequently comforting his Lordship with seasonable exhortations: His Lordship seemed truly sensible of his guilt, shewed the utmost signs of a sincere repentance and all that were present admired the composure of his Lordship's mind. His Lordship in particular recommended it to the Sheriff's observance, that he declared himself a Protestant, and thoroughly satisfied with the legality of his Majesty King George's Title to the Throne of these Realms, that he himself was educated in these Principles, and had constantly adher'd to 'em, 'till after the breaking out of the Rebellion, which he heartily repented he ever engaged in, and that he prayed for the good of his Country, and for the continuance of the Crown in his Majesty and his Descendants till the latest Posterity.

His Lordship then spent a few moments in conversing with his friends, and having refreshed himself with a bit of bread and a glass of wine. he declared to the Sheriffs, that he had within this week taken the Sacrament twice in evidence of the truth of his Repentance.

His Lordship moreover recommended it to the Sheriffs notice, that what papers he intended should be communicated to the Publick he had left in the Hands of Mr. *Foster* only.

About 11 o'Clock my Lord received a Message from my Lord *Balmerino*, desiring an Interview with his Lordship, which being consented to, my Lord *Balmerino* was introduced into my Lord *Kilmarnock's* apartments; where my Lord *Balmerino* after addressing himself to his Lordship, and thanking him for the Favour of this

this conference ask'd his Lordship if he knew of any order being made before the Battle of *Culloden*, for giving no Quarters to the DUKE'S ARMY, at the same time declaring, that he himself knew nothing of any such order. To which my Lord *Kilmarnock* replied, that he knew nothing of any such order, but that since the Battle of *Culloden* he had been informed that there was some order to that effect, signed GEORGE MURRAY, and that it fell into the hands of the DUKE immediately after the Battle. My Lords *Kilmarnock* and *Balmerino* having then saluted each other, my Lord *Balmerino* bid my Lord *Kilmarnock* an eternal happy adieu, and with a cheerful countenance added, my dear Lord I wish I cou'd alone pay the reckoning and suffer for us both; to which my Lord *Kilmarnock* replied, 'twas exceedingly kind and generous in his Lordship.

About half an hour after Eleven, my Lord *Kilmarnock* with the whole company knelt down to prayers, Mr. *Foster* Performing the Office; after which my Lord having again sat down a few Moments to refresh himself with a bit of bread and a glass of wine, he, about twelve o'Clock rose, saluted his friends and proceeded to the Scaffold, his Friends still accompanying him there.

As soon as his Lordship ascended the Scaffold, 'twas easily to be observed what Impression his graceful deportment made upon the minds of the Spectators, to whom his Lordship made no speech, but much better employed his time with Mr. *Foster* in his devotions; upon the conclusion, of which Mr. *Foster* told his Lordship, he wish'd he had a voice loud enough to inform this large assembly with what sentiments his Lordship left the world.

My Lord then with a countenance perfectly serene and composed, embrac'd his friends and took his final leave of them.

After that the Executioner was introduced to his Lordship for his forgiveness for the painful office allotted to him; which his lordship readily granted and gave him a Purse of gold, desired him to have courage and acquainted him that the Signal for the Stroke shou'd be the dropping of a Handkerchief.

His lordship then prepared himself for the block, and having with the assistance of his Servent taken off his coat, and the bag from his hair, his lordship then put his cap on and under it tuck'd up his hair but his lordship afterwards perceiving the cap was too large to bind up his hair, and fearing least by that means the blow might be intercepted, he requested a Gentleman, who was near him, to pin it closer, during which that Gentleman having wished his Lordship the continuance of his Resolution till he should meet with eternal happiness, his lordship thanked him, and with great tranquility added, that he found himself perfectly easy and resigned.

His Lordship then knelt down at the block, and having with great fervency prayed for about six minutes submitted himself, and dropping the signal the Executioner at one blow severed his head from his body; the head was received into a piece of scarlet bays, and with the body deposited in a coffin, and delivered to his lordship's friends; on which coffin was the following Inscription, *Willielmus Dominus de Kilmarnock Decollatus 18 die Augusti, 1746. Etatis sue 42.*

After the Execution was over, 'twas remark'd by several persons that the head was not held up and exposed by the Executioner, 'twas my Lords particular request it might not be so, and the law does not require it.---The only reason that can be assigned for exposing the head (as it has been frequently but not always the case) is to satisfy the people that the execution has been done, but in order to give them a greater satisfaction, the Sheriffs directed that every body upon the Scaffold should kneel down; that they might see the execution itself performed,---a ceremony never practised before.

During the time the Scaffold was put in order for the execution of the Lord *Balmerino*, the under Sheriff that attended during the first execution went to my Lord *Balmerino's* apartments, as a notice to his Lordship that his time was come; upon whose entrance his lordship said, I suppose my Lord *Kilmarnock* is no more; and having ask'd how the Executioner had performed his duty, his lordship upon receiving the account said then it was well done; and now
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Gentlemen (said his Lordship) I will detain you no longer for I desire not to protract my Life: His lordship then saluted the company in a manner so chearful as drew tears from every eye but his own and hastened to the Scaffold.

But before we view his lordship upon the Scaffold, 'tis but just to the memory of that great, but unhappy, man, to acquaint the publick what was his deportment in his retirement here: 'Twas graceful without affectation; chearful but not presumptuous, he conversed freely with his friends, twice refreshed himself with a bit of bread and a glass of wine, and desired the Company to drink to him *ain de graete haiven*; but above all, he called frequently upon God, and seemed both willing and prepared to die.

When his lordship mounted the Scaffold, he did it with so undaunted a step as surprized every spectator that was unacquainted with the greatness of his soul: His lordship appeared there in the very same Regimentals he wore at the Battle of Culloden, and so far was he from having the least concern himself at the fear of death, that he frequently reproved his friends that were about him for shewing any: His Lordship walk'd round the Scaffold, bow'd to the People, read the following Inscription upon his coffin; *Arthurus Dominus de Balmerino decollatus 18 die Augusti Aetatis suae 58*, said it was right, and with seeming pleasure look'd at the block which he called his Pillow of Rest.

His Lordship then took a paper out of his Pocket, which he read to the few about him, and delivered to the Sheriff to do with it as he should think proper.

Whatever may be offered in excuse for his lordship's making that Speech in his last moments nothing but the Highest Authority can justify the publishing it.

His lordship to the last professed his intire ignorance as to the order for giving no Quarter to the Duke's Army; and added, that

he wou'd not (knowingly) have acted under such order, because he looked upon it as unmilitary, and beneath the character of a soldier.

Nor is it to be here omitted, that though his Lordship from his unhappy political principles disowned any Allegiance to his Majesty, yet he from his Moral ones acknowledg'd Him to be a Prince of the greatest magnanimity and mercy.

His lordship then called for the Executioner, who being introduced to him, was about to ask his Lordship's forgiveness; but my Lord stopt him, and said Friend, you need not ask me forgiveness, the Execution of your duty is commendable; his Lordship then presenting the Executioner with three Guineas, said, Friend, I never had much Money this is all I have, I wish it was more for your sake and am sorry I can add nothing else to it, but my Coat and Waistcoat, which his Lordship instantly took off and placed on his Coffin for the Executioner.

His Lordship then prepared himself for the Block by putting on a flannel Waistcoat that had been made for the Occasions and a Plaid Cap. upon his Head; After which his Lordship went to the Block, in order to shew the executioner the Signal for the Blow. which was the dropping down of his Arms.

His Lordship returning to his Friends, took his lasting farewell of them and having once more taking a view of the great number of Spectators his Lordship said, I am afraid there are some who may think my Behaviour bold, and speaking to a Gentleman near him added, Remember Sir what I tell you, it arises from a confidence in God, and a clear conscience.

His Lordship then observing the Executioner with the Axe in his hand took it from him, and having felt the edge returned it him again at the same time shewing him where to strike the Blow, and animating him to do it with resolution for in that Friend, (said his Lordship) will consist your Mercy.

His Lordship then with the same surprizing countenance, knelt down
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at the Block, and having with his Arms extended said this short Prayer, O Lord reward my Friends, forgive my Enemies,***** and receive my Soul. submitted, and gave the Signal to the Executioner, and I wish I could conclude, that his head had been taken off at one blow : but the Executioner was so terrified at his Lordship's intrepidity, and the suddenness of the signal, that notwithstanding he struck his Lordship in the part directed, yet the force of the blow was not sufficient to sever the head from the body, tho' (happily) sufficient to deprive him of all sensation.----After the first blow his Lordship's head fell back upon his shoulders, but being afterwards severed at two more gentle blows was then received into a piece of red bayes, and with his body deposited in his coffin, and delivered to his friends.

At their Interment, Mr. *Humphreys*, Curate of the Chapel in the Tower read the Service; and on pronouncing that Part of it, where it sayes, Ashes to Ashes Dust to Dust, two Gentlemen, Friends of the Deceased, took up the Spades and perform'd that Part of the Office instead of the Grave Diggers.

Lord *Balmerino* was 58 Years of Age, and the Earl of *Kilmarnock*
42.

The Lieutenant of the Tower, at the Time that he deliver'd the Earl of *Kilmarnock* at the Gates on Tower Hill, informed Mr. Sheriff *Blatchford*, that he must not have the Stage pull'd down, for that he had receiv'd Orders it must be kept standing.



It was thought proper to insert, the following Case of the Lord *Cromartie*, which will be concluded in the next Number to complete this Work. At the end of which will be printed, Proposals for the next undertaking; which will be Published in the same Size and manner as this.

T H E

THE CASE of GEORGE Earl of Cromertie.



THE Earl from his Infancy, was educated and Brought up in the Principles of the Established Church of Scotland, to which he always adhered till his late Misfortune; insomuch that he has, upon several Occasions, received the Thanks of the Gen-

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eral Assembly of that Church, for the substantial Proofs he gave; from Time to Time, of his sincere Attachment to their Interest.

THE Earl intermarried in a Family, whose Zeal and Affection to the present Royal Family was warm and remarkable upon all Occasions; and particularly, during the Rebellion in the Year 1715, many of them used their utmost Efforts in Support of this happy Constitution; none of them were neutral, or joined in that Rebellion; and they acted the same Part in the present Rebellion, to the utmost of their Power.

THE Earl has Issue of this Marriage Nine Children, and his Wife is now with Child; and these have been brought up strictly in the same Principles: And as to his eldest Son, he imbibed those Principles from his Parents, and from three successive Preceptors, who are all now Ministers of the Church of Scotland, under the Eye of Mr. Dundas his Uncle, who had the Honour to serve his late Majesty as his Advocate for Scotland, and was appointed by his present Majesty one of the Judges of the supreme Court there.

Soon after the breaking out of this Rebellion, when his Majesty's Troops, under the Command of Sir John Cope, arrived at Inverness, in the End of August last, the Earl immediately waited upon him, and, agreeable to his Principles and Inclinations, as well as his Duty, made a Tender of all his Power and influence in suppressing this Rebellion; but, to his great Misfortune at this Day, such Assistance was not then judged necessary.

AFTER the Action at Preston Pans, when Commissions were issued for raising Independent Companies, under the Direction of Mr. Forbes, President of the Court of Session in Scotland, Applica-

tion, was made for a Company for his Son the Lord M^r Lead; and as he had Reason to hope for Success, he directed the Gentlemen, whom he intended to be Subalterns in the Company, to levy the Men; and the Levies went on accordingly; and the Earl's Zeal for the present Government, continued, unshaken until this Period, And for this he appeals to Sir John Cope, Mr. Forbes, and to the Attestations of eight Presbyterian Ministers, in the Hands of his Grace the Duke of Newcastle.

BUT when it was known that the Subalterns in Lord M^r Lead's Company were to be named by the Lord Portrose, and the Subalterns that the Earl had in view were disappointed, he was immediately beset by designing Men, and they used all their Art and Cunning upon the Earl, to seduce him from his Duty; but no Reason whatsoever could have had this Effect, if he had not been intoxicated with Liquor; and he no sooner recovered his Understanding, but he reflected with Horror upon what he had done; and for this he appeals to Mr. Brodie, Lord Lyon's Declaration, in the Hands of the Duke of Newcastle, and to the Knowledge of the other Members of both Houses of Parliament, in the Earl's Neighbourhood.

THIS unhappy Lord, soon after engaging in this Rebellion, went to Perth, and continued there a Month, entirely in a Private Capacity; for he assisted at none of the Reviews of the Rebels, mounted none of their Guards, bore no Arms, issued no Orders, but employed his Time chiefly in the Company of his Majesty's Officers, who were Prisoners there and laboured Night and Day, to procure them all Manner of Indulgences; and the only Use he made of his Credit in the Rebel Army, was to make their Captivity easy, in which he was fortunate enough to succeed in most Cases; and he appeals to those Gentlemen in this Respect.

HE did indeed, afterwards, accept of a Command to levy the Cels,

Cefs, Excife, and other Contributions in the Shires of *Fife* and *Kinross*, to the Amount of 13000*l*. but he preserved such Discipline among the Soldiers under his Command, that though he intimated his Orders, upon Pain of military Execution, agreeable to the Terms in which they were delivered to him, yet he avoided all Methods of enforcing them, and returned without levying one Shilling, which, in a great Measure saved his Majesty's faithful Subjects from those Exactions; and during his Stay in those Countries, the Inhabitants were uninjured in their Persons and protected in their Properties; and he gave up that command, that he might not be an Actor, in, or a Witness to the Severities which he then thought to be unavoidable; and for this he appeals to Certificates from Peers and Commoners of *Fife* and *Kinross*, in the Duke of *Newcastle's* Hands.

UPON his Return from this Command, he went, attended only by his own Domesticks, to a Gentleman's House where he resided for some Time in a private Way, without Command or Commission, and without taking upon him any Concern, but the Continuance of all the good Offices he could exert for the Ease and Protection of his Majesty's Subjects.

THE Action of *Falkirk* gave him a fresh, but melancholy, Opportunity, of doing all the Acts of Humanity in his Power, to his Majesty's Troops, that were either taken or wounded in that Conflict; and he extended his Cares even to many of the unfortunate Persons who lost their Lives in his Majesty's Service.

WHEN the Name of his Royal Highness the Duke, obliged the Rebel Army to march North, he continued, without any Command.

WHEN he arrived at *Inverness*, a Command was again imposed upon him, to repair to the Counties of *Ross* and *Sutherland*, and there

there to raise all the Men in that Country in Arms, levy large Sums of Money by Contribution, and large Quantities of Meal; and with strict Orders, that in Case those Demands were not complied with, to use all Manner of Military Execution by burning Houses, destroying Cattle, and other Severities: But soaverse was he to these Methods of Violence, that he levied no Men in those Parts, and even his own Tenants in that Neighbourhood continued peaceable at Home; and he also granted Protections to all who asked them, and he supported his Protections by Parties, and he preserved the House of Sir, Robert Munro, and of his Brother, Gall-cum, which were particularly doomed for Destruction by the Rebels; nor would he trust this Protection to others; but went himself, and took the proper Measures for their Preservation; and he used the same Tenderness and Care towards the House and Family of the Earl of Sutherland, for which he appeals to that noble Lord. And upon the whole of this Article, tho' the unfortunate Earl notified the Orders he had from the Pretender, with all the severe Injunctions they contained, yet he executed none of those Severities; and his Delays were in some Measure salutary, as they prevented the full Execution of them by those who were sent in his Place.

At the same Time his House was a Sanctuary to the Effects of his Majesty's Loyal Subjects, and particularly of those employed in his Majesty's Service under Lord Loudoun.

On Friday, next, October 3 will be Published,
(to be continued three Days every Week at the
price of a Halfpenny, in the Size of this Work.)
and be compriz'd in 30 Numbers.

THE Life, Adventures and many and great
Vicissitudes of Fortune of Simon Lord

and Arjag. in a hollow Tree, on the Coast of Acadia, taken by Captain Miller, and three Dutchmen in 1688, to the Time of his being Eyered, of Loss, from his Birth at Beaufort.

By a Gentleman, who has been conversant with his Lordship, near
 Forty Years.

Frazer, of Lovat, from his Birth at Beaufort, in Scotland, in 1668, to the Time of his being taken by Captain Millar, after three Days search in a hollow Tree, on the Coasts of Knoidart, and Arisaig.

Containing, His Family, Extraction and Education with an Account of his Intrigues with several Ladies in *Scotland*; and his Conduct and Behaviour whilst he bore a Captain's Commission in the Army. His Behaviour on his Addresses to the Lady Dowager of *Lovat*, after his Schemes were frustrated of his intended Marriage with her Daughter; together with an Account of his being condemned for a Rape on the said Lady Dowager, and his Flight into the Highlands to avoid being brought to Justice. An Account of his being Try'd and Condemned as a Traitor for High Treason, for levying War against the King's Forces; for which Letters of Fire and Sword were issued out against him; and his being pardoned by King *William* 1696. The manner of his living in the Highlands of *Scotland* and the Distresses he underwent before his Flight to the Courts of *Paris* and *St. Germain's*: With his Intrigues with the Marquis de *Torcy*, the Favourite of *Lewis XIV.* and the Schemes he laid for invading this Kingdom in the Reigns of King *William* and Queen *Anne*. His Commitment to the *Bastile*, on a Charge of holding private Correspondence with the Duke of *Queensbury*, when he was over in *Scotland*, executing a Commission in Behalf of an Invasion in favour of the Pretender. An Account of a Duel between him and the Duke of *Warton*, concerning a *Spanish* Lady his Grace was in Love with; together with his Adventures with Mr. *Robert Knight*, formerly Cashier of the South Sea Compeny, &c. &c. &c.

By a Gentleman, who has been conversant with his Lordship, near Forty Years.

This Work I don't doubt but that it will prove very satisfactory to the Publick; who may be assured of being regularly served, by the Hawker of the aforesaid Work. Note, Pray observe the Name in the Title Page, to be *J. Stanton*, in *Shorts Gardens*.

